

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Saturday, April 3, 1948

## TITLE 3—THE PRESIDENT EXECUTIVE ORDER 9942

### PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS UNDER THE RUBBER ACT OF 1948

By virtue of the authority vested in me by the Rubber Act of 1948, approved March 31, 1948, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. The Secretary of Commerce shall perform and exercise the functions, duties, powers, authority, and discretion (hereinafter collectively referred to as functions) vested in the President by sections 3, 4, 18 (c), and 18 (d) of the Rubber Act of 1948.

2. The Reconstruction Finance Corporation shall perform and exercise the functions vested in the President by, or designated in, sections 5 (c), 5 (e), 6, 7, 8, 11 (a), and 18 (f) of the Rubber Act of 1948: *Provided*, That the provisions of this paragraph which relate to section 6 (a) of the said Act shall not be construed as precluding any other agency of the Government from engaging in research or development authorized by law.

3. The Secretary of Commerce shall in respect of the functions covered by paragraph 1 of this order and related functions under the Rubber Act of 1948, and the Reconstruction Finance Corporation shall in respect of the functions covered by paragraph 2 of this order and related functions under said Act, perform and exercise the functions of the President (including the power of subpoena) under sections 10 and 12 of the said Act.

4. This order shall be effective April 1, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,  
April 1, 1948.

[F. R. Doc. 48-3027; Filed, Apr. 2, 1948; 11:02 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### LISTS OF POSITIONS EXCEPTED

Subdivision (xvi) of § 6.4 (a) (4), which was added in the issue of the FEDERAL REGISTER of March 27, 1948 (13 F. R. 1625), is redesignated subdivision (xvii).

Under authority of § 6.1 (a) of Executive Order 9830 and at the request of the agencies concerned, the Commission has determined that the position of one Assistant Administrator, Rural Electrification Administration, and positions assigned exclusively to Department of State Cryptographic Security Activities should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 is therefore amended as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* \* \* \*

(9) *Department of Agriculture.* \* \* \*  
*Rural Electrification Administration.*  
(xx) One Deputy Administrator and one Assistant Administrator.

(b) *Schedule B.* \* \* \*

(7) *State Department.* \* \* \*

(iv) Positions assigned exclusively to Department of State Cryptographic Security Activities.

(Sec. 6.1 (a) E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] H. B. MITCHELL,  
President.

[F. R. Doc. 48-2962; Filed, Apr. 2, 1948; 8:58 a. m.]

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## TITLE 7—AGRICULTURE

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 142]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES IN FLORIDA

## LIMITATION OF SHIPMENTS

§ 933.387 *Orange Regulation 142—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933, 12 F. R. 7383), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circum-

stances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 5, 1948, and ending at 12:01 a. m., e. s. t., April 19, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida unless such oranges (a) grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bright, U. S. No. 1 Golden, U. S. No. 1 Bronze, or U. S. No. 1 Russet and (b) are of a size not larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(ii) Any container of oranges, except Temple oranges, grown in Regulation Area I unless such oranges grade U. S. Combination Grade and (a) at least sixty (60) percent, by count, of the total quantity of oranges in such container meets the requirements of the U. S. No. 1 grade, (b) each of the remainder of the oranges, in addition to meeting all other requirements of the U. S. No. 2 grade, meets all of the requirements of the U. S. Combination Grade for such oranges, and (c) such oranges are of a size not larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in Regulation Area I unless such oranges grade U. S. No. 2 Bright and are of a size not larger than a size that will pack 200 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area I unless such oranges grade U. S. No. 2 and (a) meet the additional requirements specified in the U. S. Combination Grade for such oranges, and (b) are of a size not larger than a size that will pack 200 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any oranges, except Temple oranges, grown in Regulation Area II unless such oranges (a) grade U. S. No. 2 Bright or U. S. Combination Grade and (b) are of a size not larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any oranges, except Temple oranges, grown in Regulation Area II unless such oranges grade U. S. No. 2 and (a) meet the additional requirements specified in the U. S. Combination Grade for such oranges, and (b) are of a size not larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bright," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. Combination Grade," "U. S. No. 2," "U. S. No. 2 Bright,"

"standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for citrus fruits, as amended (12 F. R. 6277).

Shipments of Temple oranges grown in the State of Florida are subject to the provisions of Orange Regulation 138 (13 F. R. 793). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of April 1948.

[SEAL]

S. R. SMITH,  
Director, Fruit and Vegetable  
Branch, Production and Marketing Administration.

[F. R. Doc. 48-3016; Filed, Apr. 2, 1948; 9:52 a. m.]

[Lemon Reg. 268]

## PART 953—LEMONS IN CALIFORNIA AND ARIZONA

## LIMITATION OF SHIPMENTS

§ 953.375 *Lemon Regulation 268—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 4, 1948, and ending at 12:01 a. m., P. s. t., April 11, 1948, is hereby fixed as follows:

(i) *District 1.* 325 carloads.

(ii) *District 2.* Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regula-



## RULES AND REGULATIONS

tion 267 (13 F. R. 1626) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of April 1948.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Branch, Production and Mar-  
keting Administration.

[F. R. Doc. 48-3017; Filed, Apr. 2, 1948;  
9:52 a. m.]

[Orange Reg. 224]

# PART 966—ORANGES IN CALIFORNIA AND ARIZONA

## LIMITATION OF SHIPMENTS

§ 966.370 *Orange Regulation 224—*  
(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 4, 1948, and ending at 12:01 a. m., P. s. t., April 11, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1 and 2, no movement; (b) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1100 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as

provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of April 1948.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Branch, Production and Mar-  
keting Administration.

## PRORATE BASE SCHEDULE

[12:01 a. m. Apr. 4, 1948, to 12:01 a. m. Apr. 11, 1948]

### ALL ORANGES OTHER THAN VALENCIA ORANGES

#### Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1637
A. F. G. Corona	.5944
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.5284
Hazeltine Packing Co.	.1084
Placentia Pioneer Valencia Growers Association	.0000
Signal Fruit Association	.9340
Azusca Citrus Association	.9295
Azusca Orange Co., Inc.	.1307
Damerel-Allison Co.	1.0112
Glendora Mutual Orange Association	.5074
Irwindale Citrus Association	.3542
Puente Mutual Citrus Association	.0466
Valencia Heights Orchard Association	.2148
Covina Citrus Association	1.4524
Covina Orange Growers Association	.4364
Duarte-Monrovia Fruit Exchange	.4208
Glendora Citrus Association	1.0307
Glendora Heights Orange & Lemon Association	.1500
Gold Buckle Association	3.9295
La Verne Orange Association	3.5629
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Company, Inc.	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange County Valencia Association	.0000
Orangethorpe Citrus Association	.0000
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Hts. Citrus Association	.3949
Citrus Fruit Growers	1.0071
Cucamonga Citrus Association	.5389
Etiwanda Citrus Fruit Association	.2087
Mountain View Fruit Association	.1756
Old Baldy Citrus Association	.5396
Rialto Heights Orange Association	.4018
Upland Citrus Association	2.4823
Upland Heights Orange Growers	1.0778
Consolidated Orange Growers	.0000
Frances Citrus Association	.0036
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000

## PRORATE BASE SCHEDULE—Continued

### ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

#### Prorate District No. 2—Continued

Handler	Prorate base (percent)
Olive Heights Citrus Association	0.0410
Santa Ana-Tustin Mutual Citrus Association	.0138
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, The	.0174
Bradford Bros., Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.7164
Corona Citrus Association	.9456
Jameson Co.	.3664
Orange Heights Orange Association	1.1818
Crafton Orange Growers Association	1.6511
E. Highlands Citrus Association	.4747
Fontana Citrus Association	.4953
Highlands Fruit Growers Association	.6284
Redlands Heights Groves	1.0700
Redlands Orangedale Association	1.1643
Break & Son, Allen	.2938
Bryn Mawr Fruit Growers Association	1.1394
Krinard Packing Co.	2.1542
Mission Citrus Association	.7901
Redlands Coop. Fruit Association	1.7531
Redlands Orange Growers Association	1.2078
Redlands Select Groves	.5252
Rialto Citrus Association	.5820
Rialto Orange Co.	.4092
Southern Citrus Association	1.0927
United Citrus Co.	.7119
Zilen Citrus Co.	.5703
Andrews Brothers of Calif.	.3358
Arlington Heights Citrus Co.	.6313
Brown Estate, L. V. W.	1.9553
Gavilan Citrus Association	1.9591
Hemet Mutual Groves	.3175
Highgrove Fruit Association	.7257
McDermont Fruit Co.	2.2275
Monte Vista Citrus Association	1.1948
National Orange Co.	.8906
Riverside Heights Orange Growers Association	1.0737
Sierra Vista Packing Association	.9106
Victoria Avenue Citrus Association	2.9861
Claremont Citrus Association	1.2664
College Heights Orange & Lemon Association	1.2074
El Camino Citrus Association	.5988
Indian Hill Citrus Association	1.5555
Pomona Fruit Growers Exchange	2.0918
Walnut Fruit Growers Association	.4657
West Ontario Citrus Association	1.7210
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
San Dimas Orange Growers Association	1.2861
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0497
N. Whittier Heights Citrus Association	.1149
San Fernando Fruit Growers Association	.3523
San Fernando Heights Orange Association	.3763
Sierra Madre Lamanda Citrus Association	.0000
Camarillo Citrus Association	.0088
Fillmore Citrus Association	1.2486
Ojai Orange Association	1.0000
Piru Citrus Association	1.2045
Santa Paula Orange Association	.1157
Tapo Citrus Association	.0009
E. Whittier Citrus Association	.0000
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Coop. Orange Association	.0000



## PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

## Prorate District No. 2—Continued

Handler	Prorate base (percent)
Bryn Mawr Mutual Orange Association	0.6228
Chula Vista Mutual Lemon Association	.0000
Escondido Coop. Citrus Association	.0000
Euclid Avenue Orange Association	2.2833
Foothill Citrus Union, Inc.	.1093
Fullerton Coop. Orange Association	.0000
Garden Grove Orange Coop., Inc.	.0000
Glendora Coop. Citrus Association	.0688
Golden Orange Groves, Inc.	.2823
Highland Mutual Groves	.2755
Index Mutual Association	.0044
La Verne Coop. Citrus Association	3.0326
Mentone Heights Association	.9879
Olive Hillside Groves	.0000
Orange Coop. Citrus Association	.0000
Redlands Foothill Groves	2.4746
Redlands Mutual Orange Association	.9725
Riverside Citrus Association	.4412
Ventura County Orange and Lemon Association	.2279
Whittier Mutual Orange and Lemon Association	.0000
Babijuce Corp. of Calif.	.2257
Banks Fruit Co.	.2052
California Fruit Distributors	.0295
Cherokee Citrus Co., Inc.	.9923
Chess Company, Meyer W.	.4188
Evans Brothers Packing Co.	.6280
Gold Banner Association	2.0423
Granada Packing House	.1872
Hill, Fred A.	.7264
Inland Fruit Dealers	.2582
Orange Belt Fruit Distributors	2.1434
Panno Fruit Co., Carlo	.0424
Paramount Citrus Association, Inc.	.3952
Placencia Orchards Co.	.0000
San Antonio Orchard Co.	1.2893
Snyder & Sons Co., W. A.	.3387
Torn Ranch	.0598
Wall, E. T.	2.0637
Western Fruit Growers, Inc., Reds.	2.9562
Yorba Orange Growers Association	.0000

[F. R. Doc. 48-3015; Filed, Apr. 2, 1948; 9:52 a. m.]

## TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-17]

## PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

## FLIGHT RECORDERS FOR SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of March 1948.

Section 41.24 of the Civil Air Regulations requires that after June 30, 1948, all aircraft operated in scheduled air transportation shall be equipped with flight recorders.

The purpose of this amendment is to permit scheduled air carriers to operate aircraft of less than 10,000 pounds maximum authorized take-off weight in passenger and cargo service without installing flight recorders.

Investigation has shown that the construction of aircraft of less than 10,000 pounds maximum authorized take-off

weight does not provide adequate protection for this delicate equipment in the event of a severe crash. The weight penalty on the smaller aircraft in relation to the useful load is more severe than on the larger types of transport aircraft. The majority of lighter aircraft are used in day VFR operations and generally are flown for short distances at low altitudes. The value of a flight recorder in the investigation of accidents involving these aircraft is not significant.

For the reasons stated above notice and public procedure hereon are unnecessary.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective May 1, 1948:

By amending § 41.24 to read as follows:

§ 41.24 *Flight recorder.* No aircraft of 10,000 pounds or more maximum authorized take-off weight shall be operated in scheduled air transportation after June 30, 1948, unless it is equipped with instrumentation to record continuously during flight the altitude of the aircraft and the vertical accelerations to which the aircraft may be subjected, the values of both these items to be recorded against a time scale of at least 2 inches to the hour. The recording device shall be substantially protected from jarring and from the effects of fire and shall be located as far back in the fuselage as practicable, in any case at least aft of the most rearward bulkhead. (Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-2948; Filed, Apr. 2, 1948; 8:57 a. m.]

[Civil Air Regs., Amdt. 61-15]

PART 61—SCHEDULED AIR CARRIER RULES  
FLIGHT RECORDERS FOR SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of March 1948.

Section 61.341 of the Civil Air Regulations requires that after June 30, 1948, all aircraft operated in scheduled air transportation shall be equipped with flight recorders.

The purpose of this amendment is to permit scheduled air carriers to operate aircraft of less than 10,000 pounds maximum authorized take-off weight in passenger and cargo service without installing flight recorders.

Investigation has shown that the construction of aircraft of less than 10,000 pounds maximum authorized take-off weight does not provide adequate protection for this delicate equipment in the event of a severe crash. The weight penalty on the smaller aircraft in relation to the useful load is more severe than on the larger types of transport aircraft. The majority of lighter aircraft are used in day VFR operations and generally are flown for short distances at low altitudes. The value of a flight

recorder in the investigation of accidents involving these aircraft is not significant.

For the reasons stated above notice and public procedure hereon are unnecessary.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations (14 CFR, Part 61, as amended) effective May 1, 1948:

By amending § 61.341 to read as follows:

§ 61.341 *Flight recorder.* No aircraft of 10,000 pounds or more maximum authorized take-off weight shall be operated in scheduled air transportation after June 30, 1948, unless it is equipped with instrumentation to record continuously during flight the altitude of the aircraft and the vertical accelerations to which the aircraft may be subjected, the values of both these items to be recorded against a time scale of at least 2 inches to the hour. The recording device shall be substantially protected from jarring and from the effects of fire and shall be located as far back in the fuselage as practicable, in any case at least aft of the most rearward bulkhead. (Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-2949; Filed, Apr. 2, 1948; 8:57 a. m.]

## Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 2]

## PART 610—IFR ALTITUDE MINIMUMS

## MISCELLANEOUS AMENDMENTS

It appearing that the Administrator has been authorized under the Civil Aeronautics Act of 1938, as amended, and the Civil Air Regulations issued pursuant thereto, to prescribe IFR altitude minimums; that the minimums appearing hereinafter have been distributed to the public, and interested persons have had ample opportunity to comment upon them; that in the public interest the minimums should be promulgated without delay; and that publishing general notice of proposed rule making, as provided in the Administrative Procedure Act, would be impracticable and contrary to the public interest;

Now therefore, acting pursuant to authority vested in me by sections 205, 301, and 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.107 (d) of the Civil Air Regulations, I hereby amend Part 610 in the following respects:

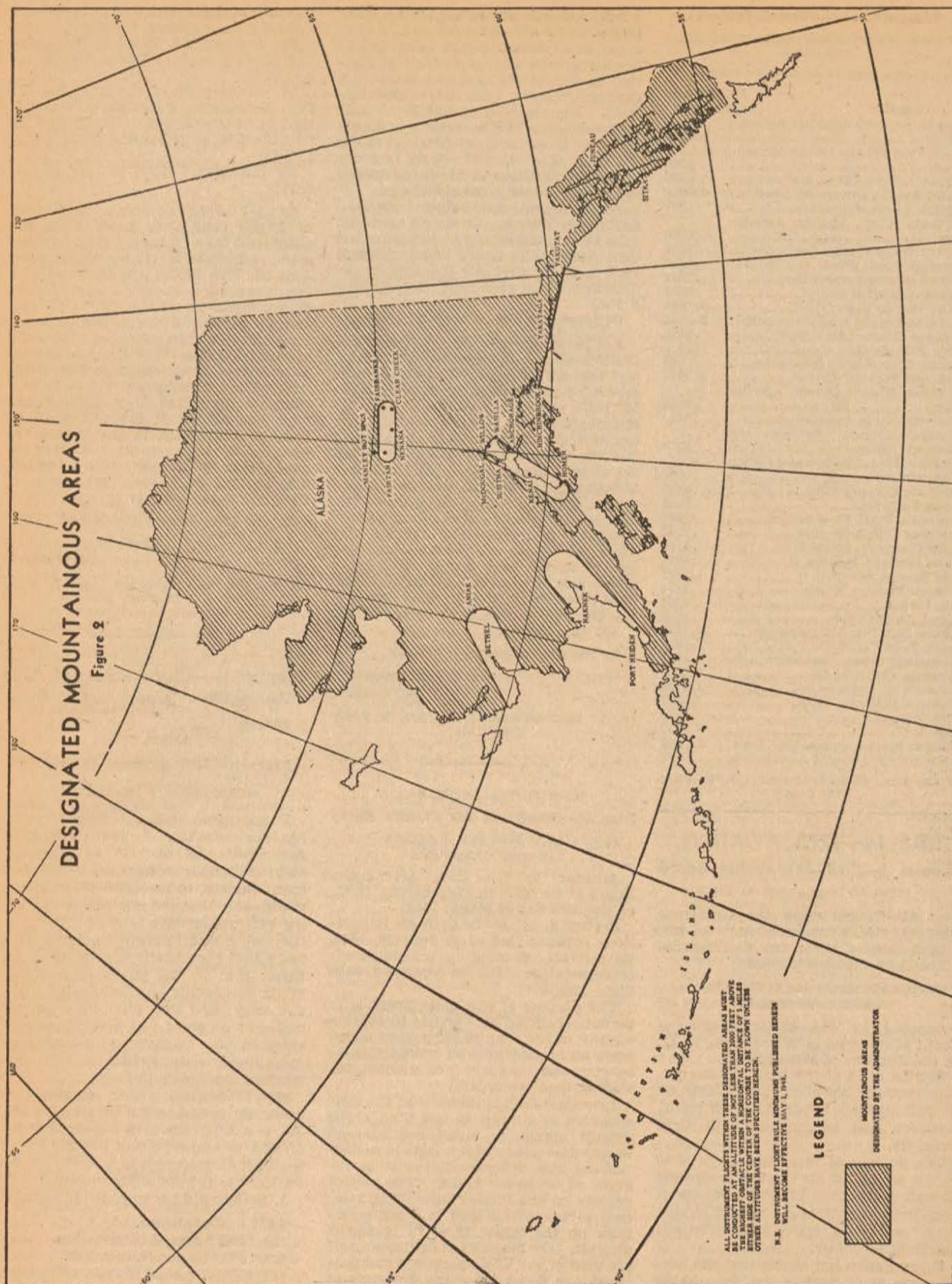
1. Section 610.1 is amended to include:

- § 610.1 *Definitions.* \* \* \*
- (b) "INT" means intersection.
  - (c) "FM" means fan marker.
  - (d) "VAR" means visual aural range.
  - (e) "Rbn" means radio beacon.



## DESIGNATED MOUNTAINOUS AREAS

Figure 2





## 2. Section 610.2 is amended to include:

§ 610.2 IFR altitude minimums over stated areas. \* \* \*

## (a) Green civil airways. \* \* \*

(7) Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).

From—	To—	Altitude
Nome	Moses Point	5,000
Moses Point	Koyuk (INT)	4,000
Koyuk (INT)	Galena	6,000
Galena	Gaitan (INT)	5,800
Gaitan (INT)	Fairtan (INT)	5,000
Fairtan (INT)	Fairbanks	3,900

(8) Green civil airway No. 8 (Attu, Alaska, to Northway, Alaska).

From—	To—	Altitude
Attu	Shemya	3,200
Shemya	Adak	8,000
Adak	Atka	7,800
Atka	North Shore	6,700
North Shore	Cape Mordvinoff (INT)	7,700
Cape Mordvinoff (INT)	Ft. Randall	6,900
Ft. Randall	Port Heiden	9,900
Port Heiden	Naknek	1,500
Naknek	Reindeer (INT)	5,000
Reindeer (INT)	Anchor Point (INT)	9,000
Anchor Point (INT)	Homer	2,600
Homer	Kenai	4,000
Kenai	Anchorage	1,500
Anchorage	Wasilla (INT)	6,800
Wasilla (INT)	Gulkana	10,500
Gulkana	Northway	10,500

## (b) Amber civil airways. \* \* \*

(1) Amber civil airway No. 1 (Annette, Alaska, to Nome, Alaska).

From—	To—	Altitude
Annette	Bartolome (INT)	6,000
Bartolome (INT)	Sitka	5,600
Sitka	Cape Spencer (INT)	5,300
Cape Spencer (INT)	Yakutat	2,200
Yakutat	S. Yakataga	1,500
S. Yakataga	Cordova	5,000
Cordova	Whittier (INT)	8,600
Whittier (INT)	Anchorage	10,000
Anchorage	Sustina	1,500
Sustina	Skwentna	5,500
Skwentna	Farewell	11,700
Farewell	McGrath	5,500
McGrath	Unalakleet	6,000
Unalakleet	Nome	2,800

(2) Amber civil airway No. 2 (Whitehorse, Alaska, to Fairbanks, Alaska).

From—	To—	Altitude
Whitehorse	Aishihik	9,000
Aishihik	Snag	8,000
Snag	Northway	6,400
Northway	Tanacross	8,000
Tanacross	Big Delta	7,000
Big Delta	Clear Creek (INT)	5,500
Clear Creek (INT)	Fairbanks	2,000

## (c) Red civil airways. \* \* \*

(39) Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).

From—	To—	Altitude
Bethel	Aniak	2,300
Aniak	McGrath	5,800
McGrath	Minchumina	6,800
Minchumina	Nenana	4,800
Nenana	Fairbanks	3,900

(40) Red civil airway No. 40 (Shemya, Alaska, to Homer, Alaska).

From—	To—	Altitude
Shemya	Amchitka	5,000
Amchitka	Chunu (INT)	3,000
Chunu (INT)	Adak	4,900
Kodiak	Homer	6,000

(41) Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).

From—	To—	Altitude
Cape Spencer (INT)	Gustavus	5,500

(50) Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).

From—	To—	Altitude
Galena (INT)	Tanana	3,800
Tanana	Fairtan (INT)	4,000
Nenana	Keevey (INT)	9,500

## (d) Blue civil airways. \* \* \*

(25) Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).

From—	To—	Altitude
Cordova	Gulkana	9,500
Gulkana	Big Delta	13,000

(26) Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).

From—	To—	Altitude
Anchorage	Talkeetna (Rbn)	6,000
Talkeetna (Rbn)	Summit	10,000
Summit	Keevey (INT)	9,500
Keevey (INT)	Clear Creek (INT)	9,500
Clear Creek (INT)	Fairbanks	2,000

(27) Blue civil No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).

From—	To—	Altitude
Kodiak	Rocky Point (INT)	6,000
Rocky Point (INT)	Naknek	10,300
Naknek	Bethel	7,500
Bethel	Nome	3,500
Nome	Kotzebue	6,000

(32) Blue civil airway No. 32 (Skwentna, Alaska, to Summit, Alaska).

From—	To—	Altitude
Skwentna	Summit	11,000

(38) Blue civil airway No. 38 (Annette, Alaska, to Whitehorse, Alaska).

From—	To—	Altitude
Annette	Petersburg	5,700
Petersburg	Gustavus	7,000
Gustavus	Haines	6,400
Haines	Tanacross (INT)	9,800
Tanacross (INT)	Whitehorse	9,300

## 3. Section 610.3 is amended to read:

§ 610.3 IFR altitude minimums over mapped areas. Except when necessary for taking off or landing, no person shall operate an aircraft in accordance with IFR along any route, or portion thereof, which is not listed in § 610.2, and which is within the shaded areas shown on the map of (a) the United States entitled "Designated Mountainous Areas, Figure 1" (12 F. R. 7808), or (b) Alaska entitled "Designated Mountainous Areas, Figure 2," at an altitude of less than 2,000 feet above the highest obstacle within a horizontal distance of 5 miles on either side of the center of the course intended to be flown.

## 4. Section 610.4 is amended to read:

§ 610.4 IFR altitude minimums generally. Except when necessary for taking off or landing, no person shall operate an aircraft in accordance with IFR along any route for which the Administrator has not established a minimum in §§ 610.2 or 610.3, at an altitude of less than 1,000 feet above the highest obstacle within a horizontal distance of 5 miles from the center of the course intended to be flown.

(52 Stat. 973, 984-986, 54 Stat. 1231, 1233-1235; 49 U. S. C. 401, 425, 451, 458; 14 CFR 60.107 (d))

This amendment shall become effective May 1, 1948.

F. B. LEE,  
Acting Administrator of  
Civil Aeronautics.

[F. R. Doc. 48-2935; Filed, Apr. 2, 1948;  
9:00 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 5501]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

GEVERTZ BUYING CORP. ET AL.

§ 3.45 (e) Discriminating in price—Indirect discrimination—Brokerage payments. In connection with the purchase of men's wearing apparel and other merchandise in commerce, and on the part of respondent Gevertz Buying Corporation (engaged in a business known to the trade as that of Resident Commission Buyers), and on the part of respondents Madeline Gevertz, individually and as president and secretary thereof, and doing business under the trade name of Charles R. Gevertz Stores, and Charles R. Gevertz, individually and as vice president and treasurer thereof, and also doing business under the aforesaid trade name; and on the part of respondents Clifford Spitzer and Violet Prager Spitzer, individually and as co-partners trading as Pacific Exporting Company; and on the part of their respective representatives, etc.; receiving or accepting, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, from any manufacturer or seller on or in connection



with purchases made from such manufacturer or seller, (a) when such purchases are made for respondents' own account, or (b) when such purchases are made as agent or buying representative of the purchaser, or (c) when, in making such purchases, respondents are acting in fact for or in behalf of, or are subject to the direct or indirect control of, the purchaser; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U. S. C., sec. 13c) [Cease and desist order, Gevertz Buying Corporation et al., Docket 5501, February 4, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 4th day of February A. D. 1948.

*In the Matter of Gevertz Buying Corporation, a Corporation; Madeline Gevertz, Individually and as President and Secretary of Gevertz Buying Corporation, and Also Doing Business Under the Trade Name of Charles R. Gevertz Stores; Charles R. Gevertz, Individually and as Vice President and Treasurer of Gevertz Buying Corporation, and Also Doing Business Under the Trade Name of Charles R. Gevertz Stores; Clifford Spitzer, Individually and Violet Prager Spitzer, Individually and Both as Co-partners, Doing Business Under the Trade Name and Style of Pacific Exporting Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and waive all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of subsection (c) of section 2 of the act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (Robinson-Patman Act):

*It is ordered*, That the respondents, Gevertz Buying Corporation, a corporation, and its officers, Madeline Gevertz, individually and as President and Secretary of Gevertz Buying Corporation and doing business under the trade name of Charles R. Gevertz Stores, Charles R. Gevertz, individually and as Vice President and Treasurer of Gevertz Buying Corporation and also doing business under the trade name of Charles R. Gevertz Stores, Clifford Spitzer and Violet Prager Spitzer, individually and as co-partners trading as Pacific Exporting Company, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the purchase of men's wearing apparel and other merchandise in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Receiving or accepting, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, from any manufacturer or seller on or in connection with purchases made from such manufacturer or seller:

a. When such purchases are made for respondents' own account or

b. When such purchases are made as agent or buying representative of the purchaser or

c. When, in making such purchases, respondents are acting in fact for or in behalf of, or are subject to the direct or indirect control of, the purchaser.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 48-2931; Filed, Apr. 2, 1948;  
8:46 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter V—Federal Housing Administration

#### PART 500—GENERAL

##### FIELD ORGANIZATION

Section 500.22 (13 F. R. 633) of Subpart C is amended, effective March 17, 1948, by:

Opposite the State of Idaho, in the Column headed "Address" delete "410 Baird Bldg." and substitute therefor "410 Continental Bank Bldg."

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup. 1702; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

[SEAL]

R. WINTON ELLIOTT,  
Assistant Commissioner.

MARCH 29, 1948.

[F. R. Doc. 48-2945; Filed, Apr. 2, 1948;  
8:57 a. m.]

## TITLE 34—NAVY

### Chapter I—Department of the Navy

#### PART 3—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

##### CALIFORNIA

CROSS REFERENCE: For order withdrawing public lands in connection with Naval Petroleum Reserve No. 1, which affects the tabulation contained in § 3.6, see Public Land Order 460 in the Appendix to Chapter I of Title 43, *infra*.

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

##### [Public Land Order 460]

##### CALIFORNIA

#### WITHDRAWING PUBLIC LANDS IN CONNECTION WITH NAVAL PETROLEUM RESERVE NO. 1

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws,

including the mining and mineral leasing laws, in contemplation of their inclusion in Naval Petroleum Reserve No. 1:

#### MOUNT DIABLO MERIDIAN

T. 30 S., R. 22 E.

Sec. 10, E½;

Secs. 12 and 14;

Sec. 26, NE¼.

T. 30 S., R. 23 E.

Sec. 8.

T. 31 S., R. 24 E.

Sec. 14, N½NW¼.

The areas described aggregate 2,480 acres.

J. A. KRUG,  
Secretary of the Interior.

APRIL 1, 1948.

[F. R. Doc. 48-3020; Filed, Apr. 2, 1948;  
11:07 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

#### [S. O. 811, Amdt. 1]

#### PART 95—CAR SERVICE

#### RESTRICTIONS ON USE OF COAL-BURNING FREIGHT LOCOMOTIVES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of March A. D. 1948.

Upon further consideration of Service Order No. 811 (13 F. R. 1648), and good cause appearing therefor: It is ordered, that:

Section 95.811 *Restrictions on use of coal-burning freight locomotives*, be, and it is hereby amended by adding the following subparagraph (9) to paragraph (c) thereof:

(9) Fertilizer and fertilizer materials including phosphate rock.

It is further ordered, that this amendment shall become effective at 11:59 p. m., March 30, 1948; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-2950; Filed, Apr. 2, 1948;  
8:58 a. m.]

### Chapter II—Office of Defense Transportation

#### PART 500—CONSERVATION OF RAIL EQUIPMENT

##### CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.



[Special Direction ODT 18A-2A, Amdt. 9]

**PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS**

**CARLOAD FREIGHT TRAFFIC**

Pursuant to § 500.73 of General Order ODT 18A Revised, as amended, Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025), is hereby further amended by changing Item 475 thereof relating

to the loading of white (Irish) potatoes to read as follows:

475 (b) In bags, burlap or cloth; in boxes, or in sacks, paper; containing 100 pounds or more each; shall be loaded to a weight not less than 45,000 pounds, subject to Note 1, Item 485.

This Amendment 9 to Special Direction ODT 18A-2A shall become effective April 1, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Law 395, 80th Cong.; 50 U. S. C. App. Sup. 633, 645,

1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386)

Issued at Washington, D. C., this 31st day of March 1948.

A. H. GASS,

*Director, Railway Transport  
Department, Office of De-  
fense Transportation.*

[F. R. Doc. 48-2963; Filed, Apr. 2, 1948;  
8:58 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

##### [7 CFR, Part 29]

#### TOBACCO INSPECTION AT TOBACCO AUCTION MARKET OF JASPER, FLA.

##### ANNOUNCEMENT OF REFERENDUM IN CON- NECTION WITH PROPOSED DESIGNATION

Pursuant to the authority vested in the Secretary of Agriculture by the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.), and in accordance with the applicable regulations issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from April 15 through April 17, 1948, to determine whether the tobacco auction market at Jasper, Florida, shall be designated by the Secretary under said act for the mandatory inspection of tobacco sold thereat.

Growers who sold tobacco at auction on the Jasper, Florida, market during the 1947 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be available at the office of the county agent at Jasper, or at the office of the Hamilton County Agricultural Conservation Association at Jasper. Eligible voters may cast their votes at either of these points during the period April 15-17, inclusive.

If, as a result of the aforesaid referendum, it is found that two-thirds or more of the eligible voters participating in the referendum favor the designation of the tobacco auction market at Jasper, Florida, under the provisions of the Tobacco Inspection Act, it is proposed that the Secretary will so designate such market for the mandatory inspection of tobacco in accordance with the act.

Issued this 31st day of March 1948.

[SEAL]

F. R. BURKE,

*Acting Assistant Administrator  
for Marketing, Production and  
Marketing Administration.*

[F. R. Doc. 48-2969; Filed, Apr. 2, 1948;  
8:59 a. m.]

No. 66—2

##### [7 CFR, Part 29]

#### TOBACCO INSPECTION ACT OF MARYLAND TOBACCO MARKETS

##### CANCELLATION OF ANNOUNCEMENT OF REF- ERENDUM IN CONNECTION WITH PROPOSED DESIGNATION

Pursuant to the authority vested in the Secretary of Agriculture by the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.), and in accordance with the applicable regulations issued thereunder by the Secretary, notice is hereby given that the announcement of referendum in connection with the proposed designation under The Tobacco Inspection Act of the Maryland tobacco markets, published in the FEDERAL REGISTER of April 1, 1948 (13 F. R. 1795), be and it hereby is cancelled.

Issued this 1st day of April 1948.

[SEAL]

S. R. NEWELL,

*Acting Assistant Administrator,  
Production and Marketing  
Administration.*

[F. R. Doc. 48-3019; Filed, Apr. 2, 1948;  
9:54 a. m.]

##### [7 CFR, Ch. IX]

[Docket No. AO-190]

#### HANDLING OF IRISH POTATOES GROWN IN STATE OF MAINE

##### NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR and Supps. 901.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held in American Legion Hall, Presque Isle, Maine, beginning at 9:30 a. m., e. s. t., April 26, 1948, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the State of Maine and

with respect to proposed modifications, changes, additions, and substitutions thereof. The proposed marketing agreement and order and any proposed modifications, changes, additions, or substitutions thereof, have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed marketing agreement and order, to the provisions of any proposed modifications, changes, additions, or substitutions thereof, which are hereinafter set forth.

The growers and shippers of Irish potatoes in the State of Maine, as represented by officials of Aroostook County Farm Bureau, the Potato Industry Council of Maine, Inc., and the Maine Institute of Potato Starch Manufacturers, Inc., drafted a proposed marketing agreement and order regulating the handling of potatoes in the proposed production area and requested a hearing on the following proposed marketing agreement and order.

**SECTION 1. Definitions.** As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73rd Congress, as amended and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.)

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Production area" means all territory included within the boundaries of the State of Maine.

(e) "Potatoes" means all varieties of Irish Potatoes grown within the State of Maine.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes



owned by another person) who ships potatoes in fresh form.

(g) "Ship" or "handle" means to transport, sell, or any other way to ship or place potatoes in the current of interstate commerce between any point in the aforesaid area and any point outside of the area, or so as directly to burden, obstruct, or affect any such commerce.

(h) "Producer" means any person engaged in the production of potatoes in any manner that results in ownership of any portion of the crop produced.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

(j) "Committee" means the Administrative Committee, called the State of Maine Potato Committee, established pursuant to section 2 hereof.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Maine.

(m) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container that is commonly recognized and used as a unit of trade in marketing potatoes.

(n) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container that is commonly recognized and used as a unit of trade in marketing potatoes.

(o) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the Department of Agriculture September 10, 1941, effective June 1, 1942, (7 CFR 51.366; 12 F. R. 3651), or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture November 3, 1947, effective December 8, 1947 (7 CFR 51.367; 12 F. R. 7281), or modifications thereof, or variations based thereon;

(3) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture effective July 15, 1946, or modifications thereof, or variations based thereon.

(p) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(q) "District" means each one of the geographical divisions of the production area hereby established as follows:

*District No. 1.* Township 11, Range 8, Townships 11, 12, 13, and 14, Range 7, Township 14, Range 6, Townships 14, 15, 16, Range 5, Townships 16, 17, Range 4, Township 17, Range 3, the towns of Van Buren, Cyr, Connor, Caswell, Hamlin, and all towns and townships north and west thereof in Aroostook county.

*District No. 2.* All the towns and townships in Aroostook county not included in Districts No. 1 and 3 hereof;

*District No. 3.* Mount Chase Plantation, Stacyville Plantation, and the town of Patten, in Penobscot county, and Township 8, Range 5, Township 8, Range 4, Township 8, Range 3, Township C, Range 2, the town of Monticello, and all the towns and townships south thereof in Aroostook County;

*District No. 4.* All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, and 3 of this section.

**SEC. 2. Administrative committee—(a) Establishment and membership.** (1) The State of Maine Potato Committee consisting of 8 members, of whom five shall be producers and three shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) Persons selected as members or alternates of the committee to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district.

(b) *Term of office.* The term of office of members and alternates of the committee shall be one year beginning on the first day of July and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Members and alternates of the committee shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Selection.* The Secretary shall select two producer members of the committee, with their respective alternates, from district number 2 and one producer member, with his respective alternate, from each of the other districts, as defined in section 1 (q), which members and alternates shall represent the respective district from which they are selected. The Secretary shall also select three handler members of the committee, with their respective alternates, from the production area at large.

(d) *Nomination.* The Secretary may select the members of the State of Maine Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The State of Maine Potato Committee shall hold or cause to be held prior to May 1 of each year, after the effective date hereof, a meeting or meetings of producers in each of the districts designated in section 1 (q) and a meeting or meetings of handlers in the production area, and

(ii) In arranging for such meetings the committee may, if it deems desirable,

utilize the services and facilities of existing organizations and agencies, and

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee.

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year.

(4) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates.

(5) Each person who is both a handler and a producer shall have one vote as a handler or as a producer and may select the group in which he votes.

(6) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each nominee for committee member and one vote for each nominee for alternate committee member.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (d) (2) of this section, the Secretary may, without regard to nominations, select the members and alternate members of the committee which selection shall be on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (d) (2) of this section, or the Secretary may select such member or alternate member from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.



(h) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(i) *Procedure.* (1) Six members of the committee shall be necessary to constitute a quorum and five concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communications and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held all votes shall be cast in person.

(j) *Expenses and compensation.* The members of the committee or their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending meetings of the committee.

(k) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms.

(2) To make rules and regulations to effectuate the terms and provisions hereof.

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof.

(4) To recommend to the Secretary amendments hereto.

(l) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select subcommittees of committee members, a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary.

(5) To furnish to the Secretary such available information as he may request.

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

(7) At the beginning of each fiscal year, to submit to the Secretary a budget

of its expenses for such fiscal year, together with a report thereon.

(8) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers.

(9) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

(m) *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, or of any alternate member, such member, or alternate, shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all the property, funds, and claims vested in such member pursuant hereto.

### SEC. 3. Expenses and assessments—

(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate, pursuant to the provisions hereof. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assess-

ments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) If, after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(3) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.

SEC. 4. Regulation—(a) *Marketing policy.* At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendations for regulations.* (1) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties, and whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grades and sizes, or minimum standards of quality, of any or all varieties of potatoes during any period, it shall recommend to the Secretary the particular grades and sizes, or minimum standards of quality, of any or all varieties thereof deemed advisable to be shipped during such period, and whenever the committee finds that such conditions make it advisable to recommend that any specific regulation may be made applicable to wholesale packs, or to consumer packs, or to any other shipping unit, or that different regulations may be made applicable to wholesale packs,



or to consumer packs, or to any other shipping unit, the committee shall recommend the particular grades and sizes, or minimum standards of quality, deemed advisable to be shipped in wholesale packs, or in consumer packs, or in any other shipping unit.

(2) In determining the grades and sizes, or the minimum standards of quality, for wholesale or consumer packs, or any other shipping unit, or any or all combinations thereof, deemed advisable to be regulated in view of the prospective demand therefor, the committee shall give due consideration to the following factors: (i) Market prices including prices by grades, sizes and qualities of potatoes in wholesale or in consumer packs, or any other shipping unit for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (iii) available supply, quality, and condition of potatoes in the State of Maine and other production areas; (iv) supplies from competitive areas and regions producing potatoes; (v) the trend and level of consumer income; and (vi) other relevant factors.

(c) *Issuance of regulations.* (1) Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act to limit the shipment of potatoes to particular grades and sizes, or minimum standards of quality, of any or all varieties thereof, or that specific regulations should be made applicable to wholesale packs, or to consumer packs, or to any other shipping units, or to any combination thereof, he shall so limit the shipment of potatoes during a specified period. Any specific regulation may be made applicable to wholesale packs, or to consumer packs, or to any other shipping unit, and different regulations may be made applicable to wholesale packs or to consumer packs, or to any other shipping unit.

(2) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions hereof, each first handler shall, prior to making shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal State Inspection Service. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate.

(e) *Exemptions.* (1) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(2) The committee may issue certificates of exemption to any producer or handler who applies for such exemption and furnishes adequate evidence to the committee that by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the

average of all producers or handlers in said applicant's district. Such certificate shall permit the producer or handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(3) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(4) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the certificate of exemption to be granted. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(5) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(6) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of exemption certificates, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

**SEC. 5. Regulation of surplus—(a) Recommendation.** It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes of any grade, size, or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

(b) *Issuance of regulations.* (1) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof.

(2) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the com-

mittee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes. The Secretary may designate the committee as an agency to assist in and to effectuate the elimination or control of surplus potatoes under any governmental program.

**SEC. 6. Limitation of regulations.** (a) Nothing contained herein shall authorize any limitation of the shipment of potatoes for any of the following purposes:

(1) Seed potatoes, as such potatoes are defined in section 1 (1);

(2) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies;

(3) Potatoes shipped for manufacturing or conversion into by-products;

(4) Potatoes shipped by the producer thereof from the point or place of production to the nearest customary grading, storing, or loading point for the purpose of having such potatoes graded, stored, or loaded for shipment.

(b) The Secretary, upon the basis of the recommendations of the committee or other available information, may

(1) Establish regulations governing shipments of potatoes for exports and all potatoes exported in conformity with such regulations will be otherwise exempt from regulations pursuant to section 4, except as provided in paragraph (c) of this section;

(2) Establish minimum quantities below which such shipments will not be subject to regulation pursuant to section 4;

(3) Determine that potatoes shipped for livestock feed or for other specified purposes shall also be exempt from the provisions of section 4 hereof, except as provided in paragraph (c) of this section. The Secretary shall give prompt notice to the committee of any approval issued by him under the provisions of this section.

(c) (1) The committee may prescribe adequate safeguards to prevent potatoes shipped for the purposes stated above from entering the current of interstate commerce or directly burdening, obstructing, or affecting such commerce contrary to the provisions hereof, which safeguards may include (i) a requirement of the committee that growers and handlers who ship potatoes pursuant to this section shall file applications to do so with the committee and (ii) Federal-State inspection provided by section 4 (d) and the payment of a pro rata share of expenses provided by section 3: *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections.

(2) The committee may issue Certificates of Privilege for shipments of potatoes affected or to be affected under the provisions of this section and shall make a weekly report to the Secretary showing the number of certificates applied for, the number of bushels of potatoes covered by such applications, the number of certificates denied and granted, the number of bushels of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The Sec-



retary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

**SEC. 7. Reports.** Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

**SEC. 8. Compliance.** Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

**SEC. 9. Right of the Secretary.** The members of the committee (including successors and alternates); and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

**SEC. 10. Effective time and termination.**—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; Provided, that such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.

(4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that

they handled not less than sixty-seven per cent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.<sup>1</sup>

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.*

(1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

**SEC. 11. Effect of termination or amendment.** Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

**SEC. 12. Duration of immunities.** The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

**SEC. 13. Agents.** The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent

<sup>1</sup> Applicable only to the proposed marketing agreement.

or representative in connection with any of the provisions hereof.

**SEC. 14. Derogation.** Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**SEC. 15. Personal liability.** No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

**SEC. 16. Separability.** If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

**SEC. 17. Amendments.** Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

**SEC. 18. Counterparts.** This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.<sup>1</sup>

**SEC. 19. Additional parties.** After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.<sup>1</sup>

**SEC. 20. Order with marketing agreement.** Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.<sup>1</sup>

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C. or may be there inspected.

This notice of hearing issued at Washington, D. C., this 31st day of March 1948.

[SEAL]

F. R. BURKE,  
Acting Assistant Administrator.

[F. R. Doc. 48-2971; Filed, Apr. 2, 1948; 8:58 a. m.]



## [7 CFR, Ch. IX]

[Docket No. AO 191]

## HANDLING OF DATES GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO  
PROPOSED MARKETING AGREEMENT AND  
ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR and Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Coachella Valley Water District Auditorium, Coachella, California, beginning at 10 a. m., Pacific d. s. t., April 22, 1948, with respect to a proposed marketing agreement and order regulating the handling of dates grown in the State of California. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions relating to the provisions of the proposed marketing agreement and order which are hereinafter set forth and appropriate modifications thereof. The Date Industry Committee, a committee of California date producers, proposed the following marketing agreement and order regulating the handling of dates grown in the State of California and requested a hearing thereon (the provisions identified with an asterisk (\*) apply only to the proposed marketing agreement and not to the proposed order):

**SECTION 1. Definitions.** As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(c) "Person" means an individual, partnership, corporation, association, or any other business unit.

(d) "Dates" means dates produced in the area, including whole pitted dates.

(e) "Area" means the State of California.

(f) "District" means District No. 1, District No. 2, or both District No. 1 and District No. 2.

(g) "District No. 1" means that part of the area comprised of Inyo County and those portions of Riverside County and San Bernardino County lying East of Range Three (3) East, San Bernardino Meridian.

(h) "District No. 2" means that part of the area not included in District No. 1.

(i) "Producer" is synonymous with "grower" and means any person engaged in the business of producing dates.

(j) "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of dates owned by another person) who, as owner, agent, or otherwise, ships dates or causes dates to be shipped.

(k) "Ship" is synonymous with "handle" and means to transport, sell, or in any other way to place dates in the current of commerce between the State of California and any point outside thereof in United States or in Canada.

(l) "Fiscal period" is synonymous with "marketing season" and means the twelve month period beginning on the first day of July of each year and ending on the last day of June of the following year, both dates inclusive, except that the initial fiscal period shall begin on the date designated by the Secretary and shall end on the last day of June of the following year, both dates inclusive.

(m) "Committee" means the Date Administrative Committee established pursuant to Section 2 hereof.

**Sec. 2. Date Administrative Committee—(a) Establishment, membership, and term of office.** (1) There is hereby established a Date Administrative Committee consisting of nine (9) members of whom five shall be producers who are not handlers and four shall be handlers irrespective of whether such handlers are also producers. One such producer member shall be a producer in District No. 2 and the other such producer members shall be producers in District No. 1. For each member there shall be an alternate member who shall have the same qualifications as the member for whom he is the alternate. All members and alternate members shall be nominated and selected in the manner hereinafter prescribed.

(2) Each initial member and alternate member of the committee selected hereunder by the Secretary shall hold office for a period beginning on the date designated by the Secretary if such person has qualified not later than such date, or on such later date on which such person qualifies, and ending on the last day of June 1949, but each such member and alternate member shall continue to serve until the respective successor is selected and has qualified. The term of office of successor members and alternate members of the committee shall be a fiscal period, but each such member and alternate member shall continue to serve until the respective successor is selected and has qualified.

(b) **Nomination.** (1) Only producers who are not handlers may nominate producer members and producer alternate members of the committee and only handlers may nominate handler members and handler alternate members of the committee.

(2) Such producers in District No. 1 may nominate one or more producers in such district for each of four producer member positions on the committee and one or more producers in such district as alternate for each person nominated for a producer member position.

(3) Such producers in District No. 2 may nominate one or more producers in such district for one producer member position on the committee and one or

more producers in such district as alternate for each person nominated for a producer member position.

(4) Handlers may nominate one or more handlers for each of four handler member positions on the committee and one or more handlers as alternate for each person nominated for a handler member position.

(5) Each person shall cast only one vote with respect to each nomination in which he is eligible to participate as hereinabove specified, regardless of whether such person is a producer in both districts or a handler in both districts. Each such vote shall be cast on behalf of such person, his agents, subsidiaries, affiliates, and representatives.

(6) Nominations for initial members and alternate members of the committee may be submitted to the Secretary by producers and by handlers; and such nominations may be made by means of meetings of groups of producers and groups of handlers.

(7) Nominations for successor members and alternate members of the committee shall be made as hereinafter set forth. The Secretary shall give notice of a meeting, or meetings, of producers in each district and of a meeting, or meetings, of handlers. Each such meeting shall be held not later than twenty-five (25) days prior to the end of the then current fiscal period and shall be conducted by such representative of the Secretary as may be designated for such purpose. Each person who votes at any such meeting shall submit to such representative his name and address and such written evidence of his authority to vote, as the Secretary may require. Voting at each such meeting shall be in person and by secret ballot; and the result of the balloting at each such meeting shall be announced at that meeting.

(8) Nomination for initial members and alternate members of the committee shall be submitted to the Secretary not later than fifteen (15) days after the effective date hereof but may be submitted prior thereto. Nominations for successor members and alternate members of the committee for each succeeding fiscal period shall be submitted to the Secretary not later than the tenth day of June of the fiscal period immediately preceding each such succeeding fiscal period.

(c) **Selection.** In selecting the members and alternate members of the committee, the Secretary shall select four (4) producer members and their respective alternates from District No. 1, one (1) producer member and his alternate from District No. 2, and four (4) handler members and their respective alternates. Such selections may be made from the nominations submitted pursuant to paragraph (b) of this section or from other producers or handlers.

(d) **Failure to nominate.** In the event nominations for a member or alternate member on the committee are not made pursuant to, and within the time specified in, this section, the Secretary may select such member or alternate member without regard to nominations but each such selection shall be on the basis of the producer and handler representations set forth in paragraph (c) of this section.



(e) *Acceptance.* Each person selected by the Secretary as a member or as an alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within fifteen (15) days after being notified of such selection.

(f) *Alternate members.* An alternate for a member of the committee shall act in the place and stead of such member (1) during his absence, and, in the event of his removal, resignation, disqualification, or death, (2) until a successor for such member's unexpired term is selected and has qualified.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member, of the committee to qualify, or in the event of removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in this section. If nominations to fill any such vacancy are not made within twenty (20) days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations but on the basis of the producer and handler representations set forth in paragraph (c) of this section.

(h) *Powers.* The committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(i) *Duties.* The committee shall have the following duties:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary;

(3) To investigate, from time to time, and to assemble data on the producing, harvesting, shipping, and marketing conditions with respect to dates, and to engage in such research and service activities in connection with the handling of dates, as may be approved, from time to time, by the Secretary;

(4) To submit to the Secretary such available information as he may request;

(5) To select from among its members a chairman and other officers and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(6) At the beginning of each fiscal period and not later than the first day of September thereof, to submit to the Secretary a budget of its proposed expenses, and a proposed rate of assessment, for such fiscal period, together with a report thereon;

(7) To cause the books of the committee to be audited by one or more cer-

tified public accountants, at least once each fiscal period, and at such other times as the committee may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things the receipt and expenditure of funds pursuant hereto; and at least two (2) copies of each such audit report shall be submitted to the Secretary;

(8) To appoint or employ such persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(9) To investigate compliance with respect to the regulation of shipments pursuant hereto; and

(10) To prepare monthly statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection by producers and handlers at the office of the committee.

(j) *Compensation and expenses.* The members of the committee, and alternate members when acting as members, shall serve without compensation, but each such member and alternate member may be reimbursed for all reasonable expenses necessarily incurred in the performance of such committee business as the committee may approve in advance.

(k) *Obligation.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member, or alternate member, of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary, all property (including, but not being limited to, all books and records) in his possession or under his control as member or alternate member and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member, or alternate member, of the committee, full title to such property, funds, and claims vested in such member or alternate member, shall be vested in his successor but until such successor is selected and has qualified, in the committee.

(l) *Procedure.* (1) Six members, including alternate members when acting as members, of the committee shall constitute a quorum. For any decision of the committee to be valid, at least six concurring votes thereon shall be necessary. Each member, and each alternate member when acting as a member, must vote in person at a meeting except that the committee may provide for voting by telephone, telegraph, or other means, in which event each vote so cast shall be confirmed promptly in writing to the committee by the person casting such vote.

(2) The committee shall give to the Secretary the same notice of meetings of the committee as it gives to its membership.

**SEC. 3. Expenses and assessments.—(a) Expenses.** The committee is authorized to incur such expenses as the Secretary

may find are reasonable and are likely to be incurred by the committee, during the then current fiscal period, (1) for the maintenance and functioning of such committee and (2) for such research and service activities relating to the handling of dates as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships dates shall, with respect to each such shipment, pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the committee during such fiscal periods: *Provided*, That, no assessment shall be levied with respect to any shipment of dates (i) for consumption by charitable institutions, for distribution for relief purposes, or for distribution by relief agencies; (ii) for export to any foreign country except Canada; (iii) for conversion into by-products; or (iv) of the Kanta, Thoory, or Deglet Beida variety. Each handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of dates shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total quantity of dates shipped by all handlers as the first shippers thereof, during the same fiscal period. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during or after a fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Any such increase in the rate of assessment shall be applicable to all dates shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, any handler may make advance payments to the committee. Such advance payments shall be credited by the committee toward such assessments as may be levied hereunder against such handler during the then current marketing season.

(c) *Accounting.* (1) If, at the end of any fiscal period, the assessments collected exceed the expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless such handler demands payment thereof, in which case such refund shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses.

(d) *Funds.* All funds received by the committee pursuant to the provisions hereof shall be used solely for the purposes herein specified and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the committee and its members and alternate members to account for all receipts and disbursements.



#### SEC. 4. *Grade and size regulations—*

(a) *Marketing policy.* (1) At the beginning of each marketing season and not later than August 15 thereof, the committee shall call a meeting for the purpose of formulating and adopting its marketing policy for the marketing of dates for the then current marketing season. With respect to the marketing season ending on the last day of June 1949, the committee shall call a meeting for the aforesaid purpose not later than thirty (30) days after the effective date hereof. Reasonable notice shall be given to growers and handlers of each such meeting and each such meeting shall be open to them.

(2) Not later than the time of submitting any recommendations to the Secretary for the regulation of the shipment of dates pursuant hereto during the then current fiscal period, the committee shall prepare a detailed report setting forth the proposed marketing policy with respect to the shipment of such dates which the committee deems advisable to be shipped during such marketing season and shall transmit such report to the Secretary, together with all data and information used by the committee in the formulation and adoption of such marketing policy. In the event the committee deems it advisable to modify such marketing policy because of changed demand or supply conditions, it shall submit a report to the Secretary showing each modification and the reasons therefor.

(3) The committee shall give reasonable notice to producers and handlers of the contents of each of such reports submitted to the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by producers and handlers.

#### (b) *Recommendations for regulation.*

(1) It shall be the duty of the committee to investigate the supply and demand conditions for dates. Whenever the committee finds that such conditions make it advisable to regulate by grades or sizes or both grades and sizes, the shipment of dates during any specified period, it shall recommend to the Secretary the grades and sizes of dates deemed advisable by it to be shipped during such period. Together with the aforesaid recommendation, the committee shall submit the findings and information on the basis of which such recommendation was made. In the event the committee subsequently deems it advisable to modify, suspend, or terminate any grade and size regulations, or grade or size regulations, then in effect, it shall submit to the Secretary its recommendation and the information on the basis of which such modification, suspension, or termination is recommended.

(2) In determining the grades and sizes of dates deemed advisable to be shipped during any such period, in view of the prospective demand therefor, the committee shall give due consideration to the following factors: (i) The supply of dates comprising the carry-over from preceding marketing seasons and the prospective supply of dates from the current crop; (ii) the estimate of the

current date crop composition by grades and sizes; (iii) the current prices for dates, on the basis of grades and sizes, thereof; (iv) the trend and level of consumer income; and (v) the present and prospective price trends, as well as other pertinent economic and marketing factors, relative to dates.

(3) The committee shall give adequate notice to handlers and growers of each meeting to consider the recommendation of regulations pursuant to this section. The said committee shall also give adequate notice to handlers and growers of each recommendation submitted to the Secretary.

#### (c) *Regulation by the Secretary.*

Whenever the Secretary finds, from the recommendations and supporting information submitted by the committee, or from other available information, that to limit the shipment of dates to specified grades or sizes, or grades and sizes, during any designated period, would tend to effectuate the declared policy of the act, he shall designate the period and so limit the shipments of dates. If the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that to modify a regulation issued pursuant hereto will tend to effectuate the declared policy of the act, he shall so modify such regulation. If the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that any such regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. In like manner and upon the same basis, the Secretary may terminate any such modification or suspension. The Secretary shall immediately notify the committee of each such regulation limiting the shipment of dates, and of each such modification, suspension, or termination.

#### (d) *Minimum standards of quality and maturity—*

(1) *Recommendations.* Whenever the committee deems it advisable to establish minimum standards of quality or maturity, or of both quality and maturity, to govern shipments of dates during any period pursuant to this paragraph, it shall recommend to the Secretary the minimum standards which shipments of such dates must meet. At the time of submitting each such recommendation to the Secretary, the committee shall also submit the data and information upon which it acted in making such recommendation. The said committee shall also furnish such other data and information as may be requested by the Secretary. In the event the committee deems it advisable to modify, suspend, or terminate any such minimum standards then in effect, it shall submit to the Secretary its recommendations and the information on the basis of which such modification, suspension, or termination is recommended.

(2) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the committee, or from other available information, that to establish minimum standards of quality or maturity, or of both quality and maturity, for dates, and

to limit during any period the shipment of such dates to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall designate such period, establish such minimum standards, and so limit the shipment of such dates. The Secretary shall immediately notify the committee of the minimum standards so established and the period so designated.

#### (3) *Modification, suspension, or termination of minimum standards.*

The committee may recommend to the Secretary the modification, suspension, or termination of any or all of the minimum standards established pursuant hereto. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify such minimum standards will tend to effectuate the declared policy of the act, he shall so modify such standards. If the Secretary finds upon the basis of such recommendation or upon the basis of other available information that such minimum standards obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such standards. The Secretary shall immediately notify the committee of each order modifying, suspending, or terminating any such minimum standards. In like manner and upon the same basis, the Secretary may terminate any such modification or suspension.

#### (e) *Inspection and certification.*

Whenever the Secretary limits the shipment of dates pursuant to this section, no handler shall, during the effective time of such limitation, ship any dates unless such dates were inspected by an employee of the Processed Products Standardization and Inspection Division of the United States Department of Agriculture within five days prior to such shipment. Each such handler shall submit or cause to be submitted to the committee a copy of each inspection certificate issued to him with respect to such dates.

#### SEC. 5. *Reports—*

(a) *Disposition report.* With the approval of the Secretary, the committee may, from time to time, request each handler to furnish the following information: (1) The total quantity of dates shipped by such handler and (2) the total quantity of dates disposed of by such handler (i) for consumption in the area, (ii) for manufacturing into byproducts, and (iii) for any other purpose.

(b) *Other reports.* Upon request of the committee, made with the approval of the Secretary, every handler shall furnish to such committee, in such manner and at such times as it prescribes, such other information as will enable it to perform its functions and duties hereunder.

#### SEC. 6. *Dates not subject to regulation.*

Nothing contained herein shall be construed to authorize any limitation on the right of any person to ship dates (a) for consumption by charitable institutions, for distribution for relief purposes, or for distribution by relief agencies; (b) for export to any foreign country ex-



cept Canada; (c) for conversion into by-products; or (d) of the Kanta, Thoory, or Deglet Beida variety.

**SEC. 7. Compliance.** Except as provided herein, no handler shall ship any dates the shipment of which is prohibited by the Secretary in accordance with the provisions hereof; and no handler shall ship any dates except in conformity with the provisions hereof.

**SEC. 8. Right of the Secretary.** All members (including alternate members and successors) of the committee and persons appointed or employed by the committee shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove such order, regulation, determination, decision, or other act at any time, and upon such disapproval, such action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. In the event the committee, for any reason, fails to perform its duties or exercise its powers hereunder, the Secretary may designate another agency to perform such duties and to exercise such powers.

**SEC. 9. Effective time; suspension; termination—(a) Effective time.** The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto and shall continue in force and effect until terminated in any of the ways hereinafter specified.

**(b) Suspension; termination.** (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds, by referendum or otherwise, that such termination is favored by the majority of growers who, during such representative period as may be determined by the Secretary, have been engaged in the production for market of dates: *Provided*, That such majority have, during such representative period, produced for market more than fifty (50) percent of the volume of such dates produced for market within the area; but such termination shall be effective only if announced on or before the twenty-ninth day of June of the then current marketing season.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

**(c) Proceedings after termination.**

(1) Upon the termination of the provisions hereof, the then members of the committee shall continue as joint trustees for the purpose of liquidating the

affairs of the committee, of all the funds and property then in the possession of or under control of the committee, its members, or alternate members, including claims for any funds unpaid or property not delivered at the time of such termination. The rules to govern the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements and deliver all property (including, but not being limited to, all books and records of the committee and of the trustees) to such person as the Secretary may designate, and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such designee full title and right to property and funds, and all claims vested in the committee or the trustees pursuant hereto.

(3) All persons to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

(4) All funds collected for expenses pursuant to the provisions hereof and held by such trustees or such other persons, over and above amounts necessary to meet the obligations and the expenses incurred necessarily by the trustees or such other persons in the performance of their duties hereunder, shall, as soon as practicable after the termination hereof, be returned to the handlers in proportion to their contributions made pursuant hereto.

**SEC. 10. Duration of immunities.** The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

**SEC. 11. Agents.** The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any one or more of the provisions hereof.

**SEC. 12. Derogation.** Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**SEC. 13. Personal liability.** No member or alternate member of the committee, nor any person appointed or employed by the committee, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate

member, appointee, or employee, except for acts of dishonesty.

**SEC. 14. Separability.** If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

**SEC. 15. Amendments—(a) Proposals.** Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

**(b) Hearing and approval.** After due notice and hearing, and upon the execution of the proposed amendment by handlers who, during the preceding fiscal period, shipped not less than fifty (50) percent of the dates shipped during such period, the Secretary may approve such amendment and it shall become effective at such time as the Secretary may designate: *Provided*, That, in the event any amendment alters the manner in which the handling of dates is regulated by this marketing agreement, the Secretary shall not approve such amendment unless he determines that such amendment is favored or approved by at least two-thirds ( $\frac{2}{3}$ ) of the growers of dates, who, during a representative period determined by the Secretary, have been engaged in the State of California in the production of dates for market, or by growers of dates, who, during such representative period, have produced, in the State of California, for market at least two-thirds ( $\frac{2}{3}$ ) of the volume of dates produced for market during such representative period.

**SEC. 16. Counterparts.\*** This marketing agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

**SEC. 17. Additional parties.\*** After the effective time hereof, any handler who has not previously executed this marketing agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This marketing agreement shall take effect as to each such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this marketing agreement shall then be effective as to such new contracting party.

**SEC. 18. Effect of termination or amendment.** Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the



Secretary, or of any other person with respect to any such violation.

**SEC. 19. Order with marketing agreement.\*** Each signatory handler favors and approves the issuance of an order by the Secretary, regulating the handling of dates in the same manner as is provided for in this marketing agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that consideration be given to such changes in the proposed marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to the modifications proposed.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., the Fruit and Vegetable Branch, Production and Marketing Administration, 1206 Santee Street, 12th Floor, Los Angeles 15, California, or may be there inspected.

Dated: March 30, 1948, Washington, D. C.

[SEAL] F. R. BURKE,  
Acting Assistant Administrator.

[F. R. Doc. 48-2970; Filed, Apr. 2, 1948;  
8:58 a. m.]

#### [7 CFR, Part 930]

[Docket No. AO-72-A12]

#### HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

#### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Auditorium, Toledo Public Library, Toledo, Ohio, beginning at 2:00 p. m., e. s. t., April 8, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, milk marketing area (12 F. R. 2067, 6945). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Northwestern Cooperative Sales Association:

#### 1. Amend § 930.7 to read as follows:

§ 930.7 *Payment for milk—(a) Time and method of final payment.* Each handler shall make payment to each producer or association of producers for milk received from such producers or associations of producers during such delivery period at not less than the uniform price for each handler adjusted by the butterfat differentials pursuant to paragraph (c) of this section, less the amount of payment made pursuant to paragraph (b) of this section as follows:

(1) Except as set forth in subparagraph (2) of this paragraph to each producer on or before the 15th day after the end of each month at not less than the uniform price paid by such handler, at the handler's plant.

(2) To an association of producers for milk of producers who are members of a cooperative association qualified in pursuant to paragraph (n) of § 930.1 of this act, which by contract is authorized to collect payment for its members on or before the 14th day after the end of each month a total amount equal to not less than the sum of the individual amounts otherwise payable to such producers under subparagraph (1) of this paragraph.

Amend § 930.9 (a) by inserting in the 4th line thereof between the word "Producer" and "except" the following: "who is not a member of a cooperative association qualified under paragraph (n) of § 930.1."

By the Toledo Milk Distributors Association:

2. Amend § 930.5 (a) by adding at the end of the first sentence after the word "received" the following: "and sold by such handler in the Toledo, Ohio, marketing area."

3. Amend § 930.5 (b) by striking out in the first sentence after the word "the" and before the word "of" the word "highest" and substitute therefor the word "average."

By the Dairy Branch, Production and Marketing Administration:

4. Amend § 930.11 (a) by deleting after the word "shall" the words "not be subjected to the pricing and payment provisions hereof" and substitute in lieu thereof the words "be considered as other source milk."

5. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement and order, as amended, now in effect may be procured from the Market Administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, Room 1844, United States Department of Agriculture, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 31, 1948.

[SEAL] F. R. BURKE,  
Acting Assistant Administrator.

[F. R. Doc. 48-2959; Filed, Apr. 2, 1948;  
8:58 a. m.]

#### [7 CFR, Part 930]

[Docket No. AO-72-A11]

#### HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

#### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Auditorium, Public Library, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., April 8, 1948, for the purpose of receiving evidence with respect to a proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, milk marketing area (12 F. R. 2067, 6945). This proposed amendment has not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendment hereinafter set forth.

The following amendment has been proposed:

By the Northwestern Cooperative Sales Association:

Amend § 930.5 (a) (1) by adding thereto the following: "Provided, That in the delivery periods of May, June, July, and August, 1948, the amount added to the basic formula price shall be \$1.05."

By the Dairy Branch, Production and Marketing Administration:

Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement and order, as amended, now in effect may be procured from the Market Administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, Room 1844, United States Department of Agriculture, South Building, Washington 25, D. C. or may be there inspected.

Dated: March 31, 1948.

[SEAL] F. R. BURKE,  
Acting Assistant Administrator.

[F. R. Doc. 48-2960; Filed, Apr. 2, 1948;  
8:53 a. m.]



## NOTICES

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Misc. 1460689]

UTAH

## NOTICE OF FILING OF PLAT OF SURVEY

MARCH 26, 1948.

Notice is given that the plat of extension survey of lands hereinafter described accepted June 17, 1947, will be officially filed in the District Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on May 28, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 28, 1948, to August 26, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sup. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 8, 1948, to May 28, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 28, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 27, 1948 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 7, 1948, to August 27, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 27, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall

accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Salt Lake City, Utah.

The lands affected by this notice are described as follows:

## SALT LAKE MERIDIAN

T. 17 S., R. 14 E.,  
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 85  
and 36.

The area described aggregates 5,021.42 acres.

The character of the land is generally rough, rocky and mountainous.

THOS. C. HAVELL,  
Assistant Director.

[F. R. Doc. 48-2936; Filed, Apr. 2, 1948;  
8:46 a. m.]

[Misc. 1764]

## COLORADO

## RESTORATION ORDER NO. 1235 UNDER FEDERAL POWER ACT

MARCH 30, 1948.

Pursuant to the determination of the Federal Power Commission (DA-261, Colorado) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

The land hereinafter described, having been withdrawn for Power Site Reserve No. 92 by Executive Order of July 2, 1910, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on June 1, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 1, 1948, to August 31, 1948, inclusive, the public lands affected by this notice shall be subject to (1) ap-

plication under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sup. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 13, 1948, to June 1, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 1, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 1, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 13, 1948, to September 1, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 1, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Denver, Colorado.



The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 8 S., R. 80 W., sec. 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 40 acres. Available data indicate that the greater portion of this land is mountainous in character.

THOS. C. HAVELL,  
Assistant Director.

[F. R. Doc. 48-2937; Filed, Apr. 2, 1948;  
8:46 a. m.]

ALASKA

NOTICE OF HEARING BY DEPARTMENT OF THE  
INTERIOR IN CONNECTION WITH PROPOSED  
WITHDRAWAL FOR DEPARTMENTS OF THE  
ARMY AND THE AIR FORCE AND DEPARTMENT  
OF THE NAVY OF PUBLIC LANDS IN AND  
NEAR THE ALEUTIAN ISLANDS

Notice is hereby given that a public hearing will be held by William E. Warne, Assistant Secretary of the Interior at 10:00 a. m. on May 4, 1948, in the Territorial legislative chamber at Juneau, Alaska, with respect to the requests of the Departments of the Army and the Air Force and the Department of the Navy for the withdrawal from all forms of appropriation, including the mining and mineral leasing laws, for their permanent use of the following lands:

1. Lands requested by the Departments of the Army and the Air Force for use in connection with military installations:

- Adak Island—the entire island.
- Great Sitkin Island—the entire island.
- Amchitka Island—that portion lying East of East Longitude 179°08'.
- Atka Island—that portion bounded by North Latitude 52°12'05" West Longitude 174°08', North Latitude 52°15' and West Longitude 174°15'.
- Shemya Island—the entire island.
- Umnak Island—that portion lying East of West Longitude 168°00'.
- Unalaska Island—that portion described as follows:

Beginning at a point of mean high tide on the Northwest shore of Unalaska Island, approximately North Latitude 53°25'13.5" and West Longitude 167°30'; thence S 26°55' East a distance of 8,289 feet more or less to point of intersection of North Latitude 53°24' and West Longitude 167°29'; thence due South 6,085 feet more or less to point of intersection of North Latitude 53°23' and West Longitude 167°29'; thence due West 14,514 feet more or less to point of intersection of North Latitude 53°23' and West Longitude 167°33'; thence North 44°30' West, 8,500 feet more or less to a point of intersection of mean high tide and North Latitude 53°24' on shore South of West Point, thence meandering the line of mean high tide of Chernofski Harbor around West Point, Maliboot Cove, Cutter Point, Mutton Cove, Chernofski Point and Ram Point to the point of beginning, containing 2,885 acres more or less and shown on U. S. C. & G. S. Chart #9009.

h. Cold Bay Area: Beginning at a point on the West shore of Cold Bay, Alaska Peninsula, at approximate latitude 55°06' North and West Longitude 162°37'30"; thence West along Latitude 55°06' North to West Longitude 162°50'; thence North along North Longitude 162°50' to shore of Applegate Cove on the Bering Sea; thence meandering the shore

line in a Northeasterly direction along Izembek Bay to West Longitude 162°40'30"; thence South a short distance along West Longitude 162°40'30" to shore line of Kinzarof Lagoon at head of Cold Bay; thence meandering West shore line of Cold Bay in southerly direction to point of beginning, containing 49,070 acres more or less and shown on U. S. C. & G. S. Chart #8860.

2. Lands requested by the Department of the Navy for use in connection with defensive sea areas and air space reservations:

- Attu Island
- Shemya Island
- Amchitka Island (portion of island east of longitude 179°10' W.)
- Tanaga Island
- Adak Island
- Great Sitkin Island
- The group of islands controlling the approaches to Kuluk Bay and the Naval Operating Base, Adak, namely, Kagalaska Island, Little Tanaga Island, Umak Island, Igitkin Island, Asuksak Island, Aziak Island, Kanu Island, Tanaklak Island, Tagadak Island
- Unalga Island
- Kodiak Island (portion of island east of longitude 152°55' W. between Kizhuyak and Ugak Bays)
- Agattu Island
- That area surrounding Dutch Harbor, Alaska, including Amaknak Island, Expedition Island, Hog Island and that part of Unalaska Island north of a line drawn from Cannery Bay in Makushin Bay to Beaver Inlet at latitude 53°42' N., excepting therefrom present privately owned lands, patented lands and town sites located in the above-described area.

The lands listed in 1 and 2 are all within existing withdrawals.

Lt. Commander C. T. Broaddus, Bureau of Yards and Docks, Department of the Navy, Washington, D. C., has been designated to represent the Secretary of the Navy and Col. Carl Henry Brown, Headquarters Alaskan Air Command, Anchorage, Alaska, has been designated to represent the Secretary of the Air Force at the hearing.

The hearing will be open to the attendance of local officers, officers of Federal and Territorial agencies, representatives of interested organizations and to all other interested persons.

All persons having cause to support or to object to the proposed withdrawal should present their objections either orally at the hearing or in writing as soon as possible prior thereto. It is requested that those desiring to be heard at the hearing notify one of the following persons before the time designated: William E. Warne, Assistant Secretary of the Interior, Washington, D. C., before April 24, 1948; Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Federal Building, Anchorage, Alaska, before May 1; or George A. Parks, Regional Cadastral Engineer, Territorial Building, Juneau, Alaska, before May 4. Those desiring to present written statements should do so in accordance with the same schedule.

J. A. KRUG,  
Secretary of the Interior.

APRIL 1, 1948.

[F. R. Doc. 48-3004; Filed, Apr. 2, 1948;  
9:02 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2796]

TWA-HUGHES TOOL CO.; INVESTIGATION

NOTICE OF POSTPONEMENT OF ORAL  
ARGUMENT

In the matter of transactions between the Hughes Tool Company and Transcontinental & Western Air, Inc., and related matters.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, that oral argument in the above-entitled matter has been postponed from April 1, 1948, and is now assigned for May 3, 1948, 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board. Public hearing in the above-entitled matter was held on September 10 and 11, 1947, before an examiner of the Board, and the report of the examiner and exceptions thereto have been filed and served on all parties to the proceeding.

Dated at Washington, D. C., March 30, 1948.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-2947; Filed, Apr. 2, 1948;  
8:48 a. m.]

[Docket No. SA-167]

ACCIDENT OCCURRING AT MUNICIPAL  
AIRPORT, CHICAGO, ILL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 37478 which occurred at Municipal Airport, Chicago, Illinois, on March 10, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, April 8, 1948, at 9:30 a. m. (local time) at the Sheridan Plaza Hotel, 4697 North Sheridan Street, Chicago, Illinois.

Dated at Washington, D. C., March 30, 1948.

[SEAL]

ROBERT W. CHRISP,  
Presiding Officer.

[F. R. Doc. 48-2961; Filed, Apr. 2, 1948;  
8:58 a. m.]

[Docket No. 2897]

CHALLENGER AIRLINES CO.

NOTICE OF HEARING

In the matter of the petition of Challenger Airlines Company under section 406 of the Civil Aeronautics Act of 1938, as amended, for an increase in the temporary rate of compensation for the transportation of mail by aircraft, the



facilities used and useful therefor, and the services connected therewith, over its entire system of air routes.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on April 5, 1948, at 10:00 a. m. (eastern standard time) in Room 1851 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., April 1, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-3018; Filed, Apr. 2, 1948;  
9:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8011, 8012, 8162, 8338, 8671, 8672]

AMERICAN BROADCASTING CO., INC. (KGO)  
ET AL.

### ORDER CONTINUING HEARING

In re applications of American Broadcasting Company, Inc. (KGO), San Francisco, California, Docket No. 8011, File No. BMP-2157, for modification of construction permit; Denver Broadcasting Company, Denver, Colorado, Docket No. 8012, File No. BP-5141, for construction permit; General Electric Company (WGY), Schenectady, New York, Docket No. 8162, File No. BS-264, for modification of license; KCMO Broadcasting Company (KCMO), Kansas City, Missouri, Docket No. 8338, File No. BMP-2556, for modification of construction permit; Tampa Daily Times (WDAE), Tampa, Florida, Docket No. 8672, File No. BP-6266; W. A. Smith, Plant City, Florida, Docket No. 8671, File No. BP-5647, for construction permits.

Whereas, the above-entitled applications are scheduled to be heard in a consolidated proceeding on April 5, 1948, at Washington, D. C.; and

Whereas, there is pending a petition filed March 2, 1948, by General Electric Company (WGY), Schenectady, New York, requesting that the Commission cancel the said hearing date of April 5, 1948, on the above-entitled application of American Broadcasting Company, Inc. (KGO), San Francisco, California, place the said application in the pending file of the Commission, and provide that any amendment hereafter submitted by American Broadcasting Company, Inc. (KGO), be processed by the Commission in ordinary course; and

Whereas, the public interest, convenience and necessity would be served by a 60-day continuance of the said hearing; and

Whereas, Counsel for the above-entitled applicants have consented to such continuance, with the exception of W. A. Smith, whose above-entitled application requests daytime operation on the fre-

quency 840 kc (I-A channel and may not, therefore, be acted upon until termination of the daytime skywave transmissions hearing (Docket 8333) under the Commission's policy announced May 9, 1947 (Mimeo No. 6630);

*It is ordered*, This 22d day of March 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, June 14, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-2966; Filed, Apr. 2, 1948;  
8:58 a. m.]

[Docket Nos. 8344, 8402, 8403]

FOSS LAUNCH AND TUG CO. ET AL.

### ORDER CONTINUING HEARING

In the matter of Foss Launch and Tug Company, Seattle, Washington, File No. 709/710-PE-B, Docket No. 8344; Meseck Towing Lines, Inc., New York, New York, File No. 7662/7663-PE-B, Docket No. 8402; Moran Towing & Transportation Company, New York, New York, File No. 9730/9731-PE-B, Docket No. 8403: For construction permits in the experimental service.

The Commission having under consideration the consolidated hearing in the above-entitled matter scheduled for April 5, 1948, and in that connection having before it a petition by Foss Launch and Tug Company requesting reconsideration and grant of the Foss application without hearing;

*It is ordered*, This 22d day of March 1948 that the said hearing be continued until July 15, 1948 at 10:00 a. m.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-2965; Filed, Apr. 2, 1948;  
8:58 a. m.]

[Docket No. 8688]

PORTORICAN AMERICAN BROADCASTING  
CO., INC. (WPAB)

### ORDER SCHEDULING HEARING

In re application of Portorican American Broadcasting Company, Inc. (WPAB), Ponce, Puerto Rico, Docket No. 8688, File No. BR-1082; for renewal of license.

Whereas, the above-entitled application was, on December 18, 1947, designated for hearing by the Commission;

*It is ordered*, This 22d day of March 1948, that the above-entitled application be, and it is hereby, scheduled to be heard on May 5, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-2967; Filed, Apr. 2, 1948;  
8:58 a. m.]

[Docket Nos. 8727-8729]

LEHIGH VALLEY BROADCASTING CO. ET AL.

### ORDER CONTINUING HEARING

In re applications of Lehigh Valley Broadcasting Company, Allentown, Pennsylvania, Docket No. 8727, File No. BPCT-232; Easton Publishing Company, Easton, Pennsylvania, Docket No. 8728, File No. BPCT-261; Philco Television Broadcasting Corporation, Bethlehem, Pennsylvania, Docket No. 8729, File No. BPCT-263; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard in a consolidated proceeding commencing May 26, 1948, at Allentown, Pennsylvania; and

Whereas, a continuance of the said consolidated hearing to June 16, 17, and 18, 1948, would serve the public interest, convenience, and necessity;

*It is ordered*, This 24th day of March 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Wednesday, June 16, 1948, at Allentown, Pennsylvania, June 17, 1948, at Bethlehem, Pennsylvania, and June 18, 1948, at Easton, Pennsylvania.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-2964; Filed, Apr. 2, 1948;  
8:58 a. m.]

WBHB, FITZGERALD, GA.

### PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE<sup>1</sup>

The Commission hereby gives notice that on March 8, 1948 there was filed with it an application (BAL-711) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WBHB, Fitzgerald, Georgia from J. Paul Stone and R. M. Ware, Jr. to Ben Hill Broadcasting Corporation, Fitzgerald, Georgia. The proposal to assign the license arises out of a contract of January 28, 1948 pursuant to which Messrs. Stone and Ware as sellers have agreed to sell the station and all its equipment and property to purchaser for total consideration of \$42,000. Of this amount \$4,200 was paid upon execution of the agreement and the remaining \$37,800 is to be paid upon transfer of the properties. The agreement includes the option of purchaser to pay \$2,000 of the purchase price by issuance of stock to sellers. Purchaser is to assume and carry out all uncompleted contracts and taxes, assessments and other charges for the year 1948 are to be pro rated between the sellers and the purchaser. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public no-

<sup>1</sup> Section 1.321, Part 1, Rules of Practice and Procedure.



tice concerning the filing of the application, the Commission was advised by applicant on March 18, 1948 that starting on March 9, 1948 notice of the filing of the application was inserted in Macon News, a newspaper of general circulation at Macon, Georgia, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from March 9, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-2968; Filed, Apr. 2, 1948;  
8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6126]

OTTER TAIL POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING  
ISSUANCE OF PROMISSORY NOTE

MARCH 31, 1948.

Notice is hereby given that, on March 30, 1948, the Federal Power Commission issued its order entered March 30, 1948, in the above-designated matter, authorizing and approving issuance of promissory note.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-2955; Filed, Apr. 2, 1948;  
8:53 a. m.]

[Docket No. E-6132]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

MARCH 31, 1948.

Notice is hereby given that on March 29, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California, Arizona and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of promissory notes, from time to time, to December 31, 1949, in the aggregate amount of \$7,000,000. The notes are proposed to be issued pursuant to a Loan Agreement dated February 13, 1948, between applicant and the Bank of America National Trust and Savings Association, for itself and other participating banks. The proposed notes will bear interest at a rate of  $2\frac{1}{4}\%$  per annum, plus a commitment fee of  $\frac{1}{4}\%$  of 1% on the amount made available and remaining unborrowed. The Loan Agreement further provides that the proposed notes shall mature December

31, 1949, with an option in applicant to renew any balance unpaid at said date to December 31, 1950; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of April, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-2954; Filed, Apr. 2, 1948;  
8:50 a. m.]

[Docket No. G-1019]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 30, 1948.

Notice is hereby given that on February 27, 1948, El Paso Natural Gas Company, a Delaware corporation with its principal place of business at El Paso, Texas, filed an application, superseding an application filed on August 25, 1947, in Docket No. G-939, pursuant to section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas pipe line facilities for the transportation and sale of natural gas subject to the jurisdiction of the Commission. Applicant proposes to transport natural gas from San Juan County, New Mexico, for a distance of approximately 470 miles in a southerly and westerly direction to a point located at the border line between California and Arizona, near Needles, California, and also for the purpose of transporting natural gas from Lea County, New Mexico, and from other gas and oil fields in the Permian Basin in west Texas for a distance of approximately 994 miles in a westerly direction to a junction point with the proposed transmission line from San Juan County, such point being approximately 21 miles east of the border line between California and Arizona, near Needles, California. The facilities are described as follows:

(a) A 26-inch transmission pipe line, approximately 470 miles in length, beginning at a point in San Juan County, New Mexico, and running thence in a southerly and westerly direction to a point on the California-Arizona boundary, near Needles, California. This 26-inch transmission line will have an initial delivery capacity of 100,000,000 cubic feet of gas per day.

(b) Feeder and gathering pipe lines for the transportation of gas from producing fields or wells in the San Juan Basin in northwestern New Mexico, southwestern Colorado and southeastern Utah to the northern terminus, in San Juan County, New Mexico, of the 26-inch pipe line described in (a) above.

(c) A gas purification and dehydration plant, with a capacity of 100,000,000 cubic feet of gas per day, located at the northern terminus, in San Juan County, New

Mexico, of the 26-inch pipe line described in (a) above.

(d) Field housing units at or adjacent to the northern terminus of said proposed 26-inch pipe line in San Juan County, New Mexico, for the housing of employees engaged in the operation of said gas purification and dehydration plant and said field gathering system in the San Juan Basin.

(e) Approximately 601 miles of 26-inch loop pipe line, paralleling portions of Applicant's 26-inch transmission pipe line (constructed pursuant to certificate granted by the Commission in Docket No. G-655) from Lea County, New Mexico, to a point on the California-Arizona boundary, near Blythe, California. This loop line, together with the 18-inch line to Upton County and the 24-inch cross-over line and the compressors herein described, will increase by 200,000,000 cubic feet of gas per day the delivery capacity of Applicant's present 26-inch pipe line.

(f) A 24-inch cross-over transmission pipe line, approximately 96 miles in length, extending from a point on the Applicant's existing 26-inch transmission pipe line approximately 45 miles East of the West terminus at the Colorado River, near Blythe, California, to a point on the proposed 26-inch transmission pipe line from San Juan County, New Mexico, approximately 21 miles East of the West terminus at the Colorado River, near Needles, California. Said 24-inch pipe line will have an initial capacity of 200,000,000 cubic feet of gas per day.

(g) An 18-inch transmission pipe line, approximately 105 miles in length, extending from a point in eastern Upton County, Texas, to Applicant's Jal #1 Compressor Station, located in Lea County, New Mexico. Said 18-inch pipe line will have an initial capacity of 100,000,000 cubic feet of gas per day.

(h) The following additions to Applicant's compressor stations appurtenant to the 26-inch transmission pipe line (constructed pursuant to certificate granted by the Commission in Docket No. G-655) from Lea County, New Mexico, to the Colorado River near Blythe, California:

(1) 8,000 additional horsepower in Applicant's Jal #1 Compressor Station, located in Section 7, Township 26 South, Range 37 East, N. M. P. M., Lea County, New Mexico;

(2) 4,000 additional horsepower in Applicant's Guadalupe Compressor Station, located in Culberson County, Texas;

(3) 5,000 additional horsepower in Applicant's El Paso Compressor Station, located in El Paso County, Texas, a short distance south of the Town of Newman;

(4) 5,000 additional horsepower in Applicant's Deming Compressor Station, located near the Town of Deming, in Luna County, New Mexico;

(5) 5,000 additional horsepower in Applicant's Willcox Compressor Station, located near the Town of Willcox, in Cochise County, Arizona;

(6) 5,000 additional horsepower in Applicant's Tucson Compressor Station, located approximately 30 miles west



of the City of Tucson, in Pima County, Arizona; and

(7) 5,000 additional horsepower in Applicant's Gila Compressor Station, located in Maricopa County, Arizona, approximately 20 miles north of the Town of Gila Bend;

together in each case with the necessary structures and equipment for the housing and operation of such additional units; and

(8) A compressor station with 4,000 horsepower to be located on the 24-inch cross-over pipe line described in paragraph (f) above, near Salome, Arizona, together with the necessary structures and equipment for the operation of the same.

(i) The following field compression and treating and dehydration plants and gathering lines for increased takings of residue gas in the Permian Basin in west Texas.

(1) Facilities for the taking of residue gas from the Seminole Field in Gaines County, Texas:

(i) A compressor station with 10,800 horsepower compressor units, together with the necessary structures and equipment for the operation of the same, located at a point near the Town of Seminole, Gaines County, Texas, which station will have a capacity of 43,200,000 cubic feet of gas per day output;

(ii) A gas purification and dehydration plant, located at or near the site of said Seminole Compressor Station, with a capacity of 43,200,000 cubic feet of gas per day; and

(iii) A 10 $\frac{3}{4}$ -inch pipe line, approximately 16 miles in length, extending westerly from said Seminole Compressor Station to a point of intersection with Applicant's 24-inch transmission pipe line from Dumas, Moore County, Texas, to Applicant's Eunice Plant in Lea County, New Mexico.

(2) Additional facilities for the taking of residue gas from the Fullerton Field in Andrews County, Texas:

(i) An addition to Applicant's Fullerton Compressor Station located in the Fullerton Field in Andrews County, Texas, consisting of 7,000 additional horsepower units, together with the necessary structures and equipment for the operation of the same, which addition will have a capacity of 41,600,000 cubic feet of gas per day;

(ii) An addition to the gas purification and dehydration plant at Applicant's Fullerton Plant in Andrews County, Texas, with a capacity of 41,600,000 cubic feet of gas per day; and

(iii) A 16-inch loop pipe line, approximately 30.5 miles in length, for the transportation of gas from said Fullerton Plant to Applicant's Eunice Plant in Lea County, New Mexico.

It is intended to begin construction of the facilities during the year 1949 and to complete the construction so that applicant can deliver 100,000,000 cubic feet of gas per day from San Juan County, New Mexico, and an additional 200,000,000 cubic feet of gas per day from fields in the Permian Basin in west Texas to a point on the Colorado River, near Needles, California, beginning November 15, 1950, or, in any event, not later than

January 1, 1951. It is contemplated that the proposed facilities will be operated at a load factor of not less than 91 percent during all of the months of the year.

Applicant proposes to supply the 100,000,000 cubic feet of gas per day for the 26-inch line from San Juan County, New Mexico, from formation gas produced in the fields in the San Juan Basin in northwestern New Mexico, southwestern Colorado and southeastern Utah. Applicant proposes to supply the 200,000,000 cubic feet of gas per day for the line from the Permian Basin from gas therein that is now being wasted and flared to the air in connection with the production of crude oil and gasoline.

It is proposed by applicant to supply natural gas to the companies which are now distributing and selling natural gas in the State of California, including San Francisco, Oakland, Berkeley, and other cities and towns in that state. Applicant states that no other gas company is rendering service in the counties or localities in which the distributing companies to which this gas will be sold are located and has estimated that there will be a shortage of natural gas available to the distributing companies of northern California for distribution by January 1, 1951 of approximately 300,000,000 cubic feet per day, that it is to meet these anticipated shortages, that the facilities are to be built.

Applicant states that the public interest will be further served by the construction of the facilities in that they are designed to fit into and promote a comprehensive program of conservation of natural gas produced with oil in the Permian Basin of west Texas and southeastern New Mexico, and that unless these facilities are constructed for the purpose of transporting this flare gas to markets where it can be utilized, this waste will continue to the loss of the public as well as the owners and operators of the wells.

Applicant has estimated the capital cost of the pipe line system for the transportation of gas from San Juan Basin to the California-Arizona boundary at \$28,200,000 and the capital cost of the facilities from the Permian Basin to the proposed connection with the above line, together with additional field compression gas fields and dehydration plants and gathering lines in the Permian Basin at \$52,901,200, a total cost of \$81,101,200. It is proposed to finance the construction of the facilities by the issuance of bonds and stock and by bank loans.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of El Paso Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to

make any protest with reference to the application shall file with the Federal Power Commission, Washington, 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947 (18 CFR 1.8 or 1.10)).

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-2956; Filed, Apr. 2, 1948;  
8:53 a. m.]

[Project No. 1759]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT  
OF LICENSE (MAJOR)

MARCH 31, 1948.

Notice is hereby given that, on March 30, 1948, the Federal Power Commission issued its order entered March 30, 1948, authorizing amendment of major license in the above-designated matter.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-2957; Filed, Apr. 2, 1948;  
8:53 a. m.]

[Project No. 1940]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF ORDER MODIFYING JUNE 6, 1946,  
ORDER AUTHORIZING ISSUANCE OF LICENSE  
(MAJOR)

MARCH 31, 1948.

Notice is hereby given that, on March 30, 1948, the Federal Power Commission issued its order entered March 30, 1948, modifying its previous authorization for issuance of major license in the above-designated matter.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-2958; Filed, Apr. 2, 1948;  
8:53 a. m.]

## INTERSTATE COMMERCE COMMISSION

[No. 29943]

ELECTRIC RAILWAY MAIL PAY, 1948

MARCH 30, 1948.

The Commission has entered an order dated March 26, 1948, in the above-entitled proceeding instituting an investigation for the purpose of reexamining the rates of pay for carrying the mails by certain urban and interurban electric railroads. This order was entered upon an application filed March 5, 1948, by Bamberger Railroad Company and 12 other urban and interurban electric railway common carriers for increases in their rates and compensation for the transportation of mail matter and the service connected therewith. This ap-



plication is filed under the provisions of the Post Office Department Appropriation Act of July 2, 1918, 40 Stat. 742, 748 (U. S. Code Title 39 secs. 569-570) sometimes referred to as the Electric Railway Mail Pay Act, empowering and directing the Commission to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers. The rates paid the said applicants at the present time are those found reasonable by the Commission in "Electric Railway Mail Pay", 58 I. C. C. 455 (August 7, 1920) as modified by its decision in 98 I. C. C. 737 (June 2, 1925).

Applicants are directed to prepare their testimony in writing and to furnish copies thereof together with their exhibits to counsel for the Postmaster General and to the Commission on or before May 7, 1948.

The Postmaster General is directed to prepare his testimony in writing and to furnish copies thereof together with his exhibits to counsel for the applicants and to the Commission on or before July 9, 1948.

This proceeding will be set for hearing thereafter at such times and places as the Commission may direct.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-2951; Filed, Apr. 2, 1948;  
8:48 a. m.]

[No. 29943]

#### ELECTRIC RAILWAY MAIL PAY, 1948

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of March A. D. 1948

It appearing, that the Bamberger Railroad Company, Cedar Rapids and Iowa City Railway, Charles City Western Railway Company, Chicago Aurora and Elgin Railway Company, Chicago South Shore and South Bend Railroad, Des Moines & Central Iowa Railroad (A. A. McLaughlin, Trustee), Lackawanna and Wyoming Valley Railroad Company, Mason City and Clear Lake Railroad Company, Northeast Oklahoma Railroad Company, The Potomac Edison Company, Sand Springs Railway Company, Washington and Old Dominion Railroad, and Waterloo, Cedar Falls & Northern Railroad, electric railroad companies, filed with the Commission on March 5, 1948, an application for increases in rates of mail pay under the provisions of the act of July 2, 1918, 40 Stat. 742, 748, U. S. Code Title 39 secs. 569-570; that in said application the Commission is requested to fix and determine as fair and reasonable for the transportation of mail matter by the applicants and for their services connected therewith, from and after March 5, 1948, rates and compensation which shall not be less than 45 percent in excess of the rates now in effect.

It further appearing, that the Postmaster General has filed his answer to the application.

It is ordered, That an investigation be, and it is hereby, instituted for the purpose of reexamining the rates of pay for transportation of mail matter by the applicant railroads and the service connected therewith, including all rules and other matters affecting such rates and compensation, to determine whether said rates, compensation and rules are just and reasonable and to prescribe the just and reasonable rates, compensation and rules for transportation and services performed by the applicants on and after March 5, 1948:

It is further ordered, That this proceeding be set for hearing at such times and places as the Commission may hereafter direct;

And it is further ordered, That a copy of this order be served upon the applicants and upon the Postmaster General, and that notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-2952; Filed, Apr. 2, 1948;  
8:48 a. m.]

[S. O. 812]

#### UNLOADING OF COAL AT CERTAIN POINTS IN VIRGINIA AND TENNESSEE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of March A. D. 1948.

It appearing, that 35 cars of coal at points in Virginia and Tennessee, are on hand on the Southern Railway Company for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) Coal at Virginia and Tennessee points be unloaded. The Southern Railway Company, its agents or employees, shall unload immediately the following cars now on hand at points shown below:

Location	Car Init. and No.
St. Charles, Va.	Sou. 285613
Do.	CGA 792
Do.	Sou. 322551
Do.	Sou. 282445
Do.	Sou. 107997
Do.	Sou. 285964
Appalachia, Va.	Sou. 103536
Do.	Sou. 105802
Do.	Sou. 285233
Jellico, Tenn.	PRR 165871
Do.	NYC 717496
Caryville, Tenn.	Sou. 284345
Do.	P&LE 66403
Do.	Sou. 283592
Do.	Sou. 103025
Do.	Sou. 108903
Do.	Sou. 283056
Do.	B&O 534581
Lake City, Tenn.	Sou. 109778
Do.	Sou. 108506
Do.	Sou. 285985
Do.	C&S 18140
Do.	Sou. 103758

Location	Car Init. and No.
Pruden, Tenn.	Sou. 282642
Do.	Sou. 108542
Do.	Sou. 108833
Do.	Sou. 282831
Clairfield, Tenn.	LV 31204
Do.	ATSF 175241
Do.	Sou. 176804
Do.	Sou. 322343
Do.	Sou. 108374
Do.	W&LE 77609
Do.	B&O 323709
Do.	PRR 256642

(b) Demurrage. No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., April 1, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) Provisions suspended. The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) Notice and expiration. Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-2953; Filed, Apr. 2, 1948;  
8:49 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-139 and 59-12]

#### ELECTRIC POWER AND LIGHT CORP. ET AL. NOTICE OF FILING OF AMENDED PLAN AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of March A. D. 1948.

In the matter of Electric Power & Light Corporation; File No. 54-139; Electric Bond and Share Company, Electric Power & Light Corporation, et al., respondents; File No. 59-12.

On August 22, 1942, the Commission entered an order pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 requiring that the



existence of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company, be terminated, and that said company be dissolved, and that Electric proceed with due diligence to submit a plan or plans for its dissolution pursuant to section 11 (b) (2) of the act. Said order of August 22, 1942 was subsequently affirmed by the Supreme Court of the United States on November 25, 1946 (329 U. S. 90).

On July 1, 1946 Bond and Share and Electric filed a joint section 11 (e) plan which superseded separate plans previously filed by Electric and Bond and Share. Said joint plan proposed the formation of a new holding company to which would be transferred all of Electric's holdings in its electric utility subsidiaries and certain cash in exchange for 4,400,000 shares of stock of the new company, the retirement of the Preferred Stocks and Second Preferred Stock of Electric, the settlement of claims between Bond and Share and its wholly owned subsidiaries on the one hand and Electric and its subsidiaries on the other, and the liquidation and dissolution of Electric upon consummation of the joint plan. Hearings on said plan were held and at the close of such hearings briefs were filed and oral argument had before the Commission on September 20, 1946. Subsequently, on November 26, 1947, Electric requested, in effect, that, because of changed circumstances, the Commission suspend consideration of said plan pending formulation of a new plan.

Notice is hereby given that on March 25, 1948 Electric filed an application with the Commission pursuant to section 11 (e) of the act for approval of an amended plan ("Plan"), stated to have been arrived at in the light of extensive conferences with representative holders of substantial amounts of various classes of securities of Electric. The application states that said plan is offered as a substitute for the joint plan heretofore filed by Electric and Bond and Share and requests that said joint plan be withdrawn.

All interested persons are referred to the said plan which is on file in the offices of this Commission for a full statement of the transactions therein proposed which are summarized as follows:

1. Part I of the plan provides that Electric will transfer to a company to be organized by it ("New Company"), all the securities owned by Electric of Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana"), Mississippi Power & Light Company ("Mississippi"), New Orleans Public Service Inc. ("New Orleans"), and Gentilly Development Company, Inc. ("Gentilly"). Electric will transfer to the New Company cash working capital in the amount of \$2,000,000 and, in addition, \$8,000,000, which may be in the form of cash or additional investments in one or more of the subsidiaries to be turned over to the New Company, which investments may be made between the date of filing of the Plan and the consummation date of this

part of the plan. In exchange for the above transfers of cash and securities Electric will receive 4,400,000 shares of the common stock of the New Company. In addition to the \$8,000,000 investment described above, Electric may make further investments in the above described subsidiaries and in the New Company, in which case Electric will receive in consideration for such further investments additional common stock of the New Company at a price per share to be proposed by Electric, in a separate application, and approved by the Commission. The shares of common stock of the New Company to be issued to Electric as heretofore described will constitute all of the securities of the New Company to be outstanding upon the consummation of Part III of the plan.

Electric will cause the New Company to register as a holding company under the said act.

2. Part II of the plan provides for the compromise, settlement, and discharge of any and all claims against Bond and Share and its wholly owned subsidiaries by or on behalf of Electric, its subsidiaries and certain former subsidiaries, and their various security holders, through the payment by Bond and Share to Electric of \$2,200,000 in cash. Electric has agreed with its present and former subsidiaries that they will receive the following amounts in cash out of said \$2,200,000 in full settlement and complete discharge of any rights which said subsidiaries may have or assert with respect to any such claims:

Arkansas	\$32,500
Louisiana	17,500
Mississippi	20,000
New Orleans	183,261
Dallas Power & Light Co.	152,255
Idaho Power Co.	20,000

It is also proposed, in the event that the plan is approved, that the Commission approve the payment of an aggregate of not exceeding \$175,000 by Electric to the plaintiffs in certain stockholders' actions, their attorneys, accountants, and any other persons employed or retained by said plaintiffs in such stockholders' actions in full settlement and satisfaction of all claims on account of services rendered or disbursements made in connection with the claims proposed to be compromised and settled as described above.

3. Part III of the plan proposes the retirement of all the outstanding \$7 and \$6 Preferred Stocks and \$7 Second Preferred Stock of Electric including rights to all accumulated and unpaid dividends thereon, by the exchange of such Preferred Stocks and Second Preferred Stock for common stock of United Gas Corporation ("United") and of the New Company on the following bases:

Securities of Electric	Securities to be received in exchange
\$7 Preferred Stock	6.5 shares United. 4.5 shares New Company.
\$6 Preferred Stock	5.9 shares United. 4.1 shares New Company.
\$7 Second Preferred Stock	6.25 shares United. 4.3 shares New Company.

On or before the consummation date of this part of the plan, Electric will cause to be deposited with an agent or

agents ("Exchange Agent"), 5,316,682 shares of common stock of United and 3,682,695 shares of common stock of the New Company which are the number of shares of said common stocks required for the retirement of all the Preferred Stocks and the Second Preferred Stock of Electric on the basis of the ratios described above. On and after said consummation date, holders of certificates for the Preferred Stocks and the Second Preferred Stock shall no longer be deemed to be stockholders of Electric, but shall be deemed to be holders of the common stocks of United and the New Company in the amounts determinable by application of the ratios of exchange set forth above.

No certificates for fractional shares of the common stock of United or of the New Company will be issued but in lieu thereof non-dividend paying, non-voting scrip in bearer form will be issued. When combined in lots aggregating one or more full shares, said scrip may be exchanged for the full share or shares of such common stocks represented thereby. Arrangements will be made whereby holders of scrip representing less than one full share of common stock of United or of the New Company may either sell the same or purchase additional scrip sufficient to equal a full share or shares without the payment of any commission.

Two years after the consummation date of this part of the plan the Exchange Agent will sell all shares of common stock of the New Company and of United reserved for delivery upon the exchange of scrip and then remaining unexchanged, and in addition, a sufficient number of shares to provide for the fractional shares required for each certificate of the Preferred Stocks and Second Preferred Stock then remaining unexchanged. After such sale, no holder of scrip shall have any rights, and no holder of any unexchanged certificate shall have any rights with respect to fractional shares, except to receive, without interest, his pro rata share of the net proceeds of such sale after deducting expenses thereof and the amount of any taxes which may have been imposed or paid thereon.

The plan provides that the consummation dates of Parts I and II of the plan shall be the same as the consummation date of Part III. The consummation date of Part III is to be a date to be fixed by Electric as soon as practicable after the entry of an order approving the plan by a court of competent jurisdiction.

4. Part IV of the plan provides for the dissolution of Electric and the distribution of the assets remaining after the consummation of Parts I, II and III among the common stockholders and holders of the warrants for the purchase of common stock of Electric. The assets of Electric which will be available for such distribution pursuant to Part IV will consist of (a) 717,305 shares of the common stock of the New Company (plus such additional number of shares as Electric may acquire through subsequent investments), (b) 4,791,419 shares of common stock of United, and (c) cash and assets which may be reduced to cash.



Electric will fix a consummation date for this part of the plan which shall be not later than 60 days after the consummation date of Part III. On or prior to the consummation date of this part of the plan, Electric will deliver to the Exchange Agent the securities described in (a) and (b) above, for pro rata distribution among the common stockholders and option warrant holders of Electric. Warrants for the purchase of common stock of Electric not exercised on or before a designated date (which shall be not more than 20 days prior to the consummation date of this part of plan) shall thereafter not be subject to exercise, but shall be treated for purposes of distribution as if each such unexercised warrant were  $\frac{1}{3}$  share of the common stock of Electric.

From the date of consummation of this part of the plan, holders of the common stock of Electric shall no longer be deemed to be stockholders of Electric and shall be entitled only to receive their pro rata shares of the assets of Electric as provided for in this part of the plan upon presentation and surrender of such certificates to the Exchange Agent.

In lieu of issuing certificates for fractional shares of the common stock of the New Company or of United to the holders of the common stock and option warrants of Electric, scrip will be issued in denominations not smaller than hundredths of shares and will be issued to stockholders or warrant holders to the extent of the full hundredths of a share to which they are entitled. After setting aside the number of shares of common stock of the New Company and of United required for distribution of full shares and full hundredths of shares to the holders of common stock and option warrants of Electric, the Exchange Agent shall sell the remaining shares of common stock and of United pursuant to the direction of Electric.

In the event that there shall exist any unforeseen tax or other contingent liability on the consummation date of this part of the plan or if for any other reason a complete distribution shall then be impracticable or undesirable, Electric may reserve such amount of cash or other assets, out of the distribution to be made on such consummation date, as in its judgment may be required to satisfy such liability or as may be otherwise required. In such event, a further pro rata distribution will be made, if necessary.

Upon the carrying out of this part of the plan, Electric will be dissolved.

Upon the expiration of five years following the consummation dates of Parts III and IV of the plan, any shares of common stock of the New Company and/or United and any cash representing the proceeds from the sale of such shares and not theretofore claimed by the stockholders or scrip holders entitled thereto shall be turned over by the Exchange Agent to the New Company and United, respectively.

In its application, Electric requests that the Commission reserve jurisdiction with respect to any problems under section 11 (b) (1) of the act which may exist concerning properties to be transferred to the New Company.

It is stated in the plan that its effectuation is subject to the following conditions and reservations (any of which may be waived by Electric):

(a) The plan shall have been found by the Commission to be necessary to effectuate the provisions of section 11 (b) of the act and to be fair and equitable to the persons affected thereby and all action requisite to the carrying out and consummation of the plan shall have been approved by order of the Commission.

(b) The Commission shall have instituted a proceeding in a court of competent jurisdiction pursuant to section 11 (e) of the act; and such court shall have entered a decree or order finding the plan fair and equitable and necessary or appropriate to effectuate the provisions of section 11 of the act and shall have taken action to enforce and carry out the terms and provisions of the plan.

(c) The order of the Commission shall recite that the relevant transactions of the plan are necessary or appropriate to the integration or simplification of the holding company system of which Electric is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

(d) There shall have been obtained from the United States Treasury Department a closing agreement or ruling as to the tax consequences to Electric of the transactions necessary to carry out the plan and such agreements or rulings shall be satisfactory to Electric.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find after notice and opportunity for hearing that the plan as submitted or as modified is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby, and it appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that the hearings be reconvened with respect to the plan filed by Electric to afford all interested persons an opportunity to be heard with respect thereto.

*It is hereby ordered*, That the hearings in the above entitled matters be reconvened on April 14, 1948 at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing is to be held.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the plan and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the aforementioned plan as submitted or as modified is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and is in

conformity with the requirements of the Commission's order of August 22, 1942.

2. Whether the distribution to the holders of Electric's \$7 and \$6 Preferred Stocks, \$7 Second Preferred Stock, option warrants, and common stock as proposed in the plan are fair and equitable or whether such distributions should be modified in any manner.

3. Whether the acquisitions and security issues proposed in the plan and incident thereto meet the requirements of the applicable provisions of the act, particularly sections 7, 10 and 12 thereof or whether it is necessary to impose any terms and conditions with respect to said proposed acquisitions and security issues.

4. Whether the amounts proposed to be paid by Bond and Share to Electric and by Electric to its present and former subsidiaries by way of compromise and settlement of the claims described in the plan are fair and reasonable.

5. Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles.

6. Whether the plan should be required to be amended to provide for the payment of expenses, fees and remuneration in connection therewith as the Commission may award, allocate or allow.

7. Whether the Commission shall approve the amount of the proposed payments to be made by Electric to the plaintiffs or their attorneys or their accountants in the legal proceedings specifically enumerated in the plan by way of reimbursements or allowances for legal or professional services.

8. Whether the plan as submitted, or any modification thereof approved or required by the Commission, should be approved pursuant to the provisions of section 11 (d) of the act, so as to permit the Commission of its own motion, and irrespective of any request therefor on the part of Electric, to apply to a court for the enforcement of such plan or plans pursuant to the provisions of section 11 (d).

9. Generally whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and the Rules thereunder, and whether any modifications should be required to be made therein, and whether any terms and conditions should be imposed to satisfy the applicable statutory standards.

*It is further ordered*, That jurisdiction be reserved to separate either for hearing in whole or in part or for disposition in whole or in part any of the issues, questions, matters or plans herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly and expeditious disposition of the matters involved in accordance with the standards of the act.

*It is further ordered*, That notice of this hearing be given by registered mail to Bond and Share, Electric, Arkansas, Louisiana, Mississippi, New Orleans,



Gentilly, Dallas Power & Light Company, Idaho Power Company, to all persons previously granted intervention or participation in the proceedings herein, and to the attorneys of record in the legal proceedings specifically enumerated in the plan involving claims of the kind sought to be compromised, settled, and discharged by said plan; that notice shall be given to all persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER; and

*It is further ordered*, That Electric shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 15 days prior to the date set for the reconvened hearing.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-2938; Filed, Apr. 2, 1948;  
8:46 a. m.]

[File No. 2-6852]

KIWAGO GOLD MINES LTD.

#### STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1948.

In the matter of the registration statement of Kiwago Gold Mines Limited (no personal liability), 1102 Central Building, 45 Richmond Street, West Toronto, Ontario, Canada; File No. 2-6852.

The Commission having instituted proceedings pursuant to section 8 (d) of the Securities Act of 1933 with respect to the registration statement of Kiwago Gold Mines Limited ("registrant") upon telegraphic notice to the registrant on June 13, 1947, that the registration statement, filed December 3, 1946, and, as amended, effective on February 4, 1947, appeared to include untrue statements of material facts, to omit to state material facts required to be stated and to omit to state material facts necessary to make the statements therein not misleading;

Hearings having been held and a hearing officer's recommended decision having been waived, briefs having been filed, and oral argument not having been requested;

The registrant having filed a motion to withdraw its registration statement;

The Commission having been duly advised, and having this day issued its findings and opinion herein, on the basis of said findings and opinion

*It is ordered*, That the motion to withdraw the registration statement filed by the registrant be, and hereby is, denied;

*It is further ordered*, That pursuant to section 8 (d) of the Securities Act of 1933 the effectiveness of the said amended

registration statement of the registrant be, and hereby is, suspended.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-2939; Filed, Apr. 2, 1948;  
8:47 a. m.]

[File No. 31-553]

MILLVILLE HOSPITAL CORP. ET AL.

#### NOTICE OF FILING OF JOINT APPLICATION FOR EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of March A. D. 1948.

In the matter of Millville Hospital Corporation, The Training School at Vineland, New Jersey, Burlington County Hospital at Mount Holly; File No. 31-553.

Notice is hereby given that Millville Hospital Corporation, The Training School at Vineland, New Jersey, and Burlington County Hospital at Mount Holly (hereinafter referred to collectively as "Applicants") have filed with this Commission a joint application for exemption as holding companies pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the allegations therein contained, which are summarized as follows:

Each of the applicants is a public charitable non-profit corporation. Millville Hospital Corporation and Burlington County Hospital at Mount Holly each operates a general hospital in the cities of Millville and Mount Holly, New Jersey, respectively. The Training School at Vineland, New Jersey, operates an institution for mental defectives in the city of Vineland. Applicants own jointly and in equal shares 54.93% of the outstanding common stock of Millville Electric Light Company, an electric utility company operating in and around the city of Millville, and 97.95% of the outstanding common stock of Cumberland County Gas Company, a gas utility company operating in the same area. Applicants also have two non-utility subsidiaries, viz., Millville Water Company, a water utility company, and Utilco Company, an appliance sales company. Each of the foregoing companies is organized under the laws of the State of New Jersey and operates exclusively within that State.

Notice is further given that any interested person may, not later than April 9, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on the matter, stating the reasons for his request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time after said date said ap-

plication, as filed or as amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-2940; Filed, Apr. 2, 1948;  
8:47 a. m.]

[File No. 1-2849]

BREWSTER AERONAUTICAL CORP.

#### NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1948.

The Board of Trade of the City of Chicago and the New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgation thereunder, have made application to strike from listing and registration the Capital Stock, \$1.00 Par Value, of Brewster Aeronautical Corporation.

The applications allege that (1) the stockholders of the issuer at a special meeting held on April 5, 1946 authorized the dissolution and complete liquidation of the corporation; (2) a certificate of dissolution was filed with the Department of State of the State of New York on May 15, 1946; (3) a liquidating dividend of \$5.25 per share was paid on December 24, 1947 to stockholders of record on December 17, 1947; (4) the applicant exchanges on December 24, 1947 suspended dealings in this security; (5) the only remaining assets, which may be subjected to possible claims, amount to, roughly, \$600,000 or \$1.00 per share; (6) in view of the extent to which liquidation has progressed, the governing board of each exchange has recommended that this security be stricken from the list of securities registered and listed on such exchange; and (7) the rules of the applicant exchanges with respect to the striking of a security from listing and registration have been complied with.

Upon receipt of a request, prior to April 26, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the



official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant to the Secretary.

[F. R. Doc. 48-2941; Filed, Apr. 2, 1948;  
8:47 a. m.]

[File No. 70-1784]

NEW ENGLAND GAS AND ELECTRIC ASS'N.  
AND WORCESTER GAS LIGHT CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of March 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary Worcester Gas Light Company ("Worcester"). Applicants-declarants have designated sections 6 (b), 9 (a), 10 and 12 (f) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may not later than April 12, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 2d Street, N. W., Washington 25, D. C. At any time after April 12, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed which is summarized as follows:

New England presently owns all of the outstanding common stock of Worcester. Worcester proposes to issue and sell to New England 39,400 additional shares of common stock having a par value of \$25 per share, at a price of \$25 per share, aggregating \$985,000, as fixed by the Board of Directors and approved by the Massachusetts Department of Public Utilities. Worcester will apply the proceeds to the payment of \$985,000 principal amount of its outstanding indebtedness represented by serial notes, second series, due 1971, held by New England, and thereupon the serial notes, second series will be retired. New England as owner of all the presently outstanding common stock will exercise its preemptive right to acquire the ad-

ditional common stock proposed to be issued.

The proposed issue of securities by Worcester is subject to the jurisdiction of the Department of Public Utilities of Massachusetts, and was approved by the Department of Public Utilities by order dated March 8, 1948.

The applicants-declarants have requested that the Commission act on the application-declaration at the earliest feasible date as Worcester is urgently in need of funds for necessary construction purposes and it is stated that further borrowings for that purpose cannot be made until the additional common stock has been issued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.  
[F. R. Doc. 48-2942; Filed, Apr. 2, 1948;  
8:47 a. m.]

[File No. 70-1775]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

#### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, by Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

New Hampshire proposes to borrow from one or more banks, from time to time until the company shall have received at least \$4,600,000 from permanent financing, a maximum amount of \$5,210,429 (including \$2,720,000 outstanding notes as of March 12, 1948) and to issue or renew, from time to time, in evidence thereof its promissory notes with a maturity of nine months or less. The proceeds of the short-term notes will be used to meet the company's cash requirements. Applicant states that the company believes that under present conditions it will be able to borrow such additional funds prior to completion of permanent financing at an interest rate of not exceeding 2% per annum, but that it has no commitment from any bank as to the interest rate.

It is stated that it is the company's present intention to proceed promptly with the issue and sale of the 199,627 shares of common stock as authorized by order of the Commission dated March 10, 1948. It is further stated that the proceeds of any permanent financing will be used to repay short-term borrowings then outstanding and the balance for further expenditures on the company's construction program and for other corporate purposes. Applicant

states that it is expected that such permanent financing will be substantially completed by May 1, 1948.

It is represented by applicant that the proposed transactions are not subject to the jurisdiction of the New Hampshire Public Service Commission, the State commission of the State in which applicant is organized and doing business.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application and that the said application shall not be granted except pursuant to further order of this Commission:

*It is ordered*, That a hearing on said application, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on April 8, 1948, at 10:00 a. m., e. s. t., at the offices of this Commission, 425 Second Street, NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission on or before April 6, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered*, That Willis E. Monty, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the issuance of said notes in a per centum greater than 5 per centum of the principal amount and par value of the other securities of New Hampshire outstanding is necessary or appropriate in the public interest or for the protection of investors or consumers.
2. What terms and conditions, if any, with respect to the issuance of said notes should be prescribed in the public interest or for the protection of investors or consumers.

*It is further ordered*, That particular attention at said hearing be directed to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicant herein, the Public Service Commissions of the States of Vermont and New Hampshire, and the Federal Power Commission; and that notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER, and by general release of this Commission which shall be distributed to the press and



mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-2943; Filed, Apr. 2, 1948;  
8:47 a. m.]

[File No. 70-1767]

# TEXAS POWER & LIGHT CO.

## ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1948.

Texas Power & Light Company ("Texas Power"), an electric utility subsidiary of Texas Utilities Company, a registered holding company subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application-declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the following proposed transactions:

Texas Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$2,000,000 principal amount of First Mortgage Bonds, ---% Series due 1978 ("Bonds"), and \$7,000,000 principal amount of ---% Sinking Fund Debentures due 1973 ("Debentures"). The Bonds are to be issued under the company's existing Mortgage and Deed of Trust dated as of May 1, 1945, in favor of Republic National Bank of Dallas, Dallas, Texas, as Trustee, as supplemented by a First Supplemental Indenture dated as of October 1, 1947, and as it will be supplemented by a Second Supplemental Indenture to be dated as of April 1, 1948. The Debentures are to be issued under a Debenture Agreement to be dated as of April 1, 1948, in favor of First National Bank in Dallas, Dallas, Texas, as Trustee. Texas Power proposes to use the proceeds for the construction of new facilities, the extension and improvement of its present facilities, and for the payment of any short term advances it may obtain prior to the sale of the Bonds and Debentures.

Said application-declaration having been filed on March 8, 1948, and the last amendment thereto having been filed on March 25, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are

necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith, subject to certain reservations of jurisdiction; and Texas Power having requested that the Commission's order with respect to said application-declaration, as amended, issue at the earliest date possible and become effective upon issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition, to which the applicant-declarant has expressly assented, that the proposed sale of Debentures by Texas Power shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof:

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-2944; Filed, Apr. 2, 1948;  
8:48 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10833]

COMMERZBANK A. G.

In re: Securities and other property owned by Commerzbank Aktiengesellschaft. F-28-170-A-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Commerzbank Aktiengesellschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft - Account -2- Berlin-Germany, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in the aforesaid Exhibit B, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft-Account-2-Berlin-Germany, together with all declared and unpaid dividends thereon,

c. Those certain coupons described in Exhibit C, attached hereto and by reference made a part hereof, which coupons are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft-Account-2-Berlin-Germany, together with any and all rights thereunder and thereto,

d. Two (2) certificates of deposit, for Chicago, Rock Island & Pacific Railway Company, 1st and Refunding 4% Gold Bonds, described as follows:

Number	Face value	Registered name
NB2953	\$5,000	Egger & Co.
NB2172	2,000	Maxwellbau.

which certificates of deposit are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft-Account -2- Berlin-Germany, together with any and all rights thereunder and thereto,

e. Three (3) Conversion Office for German Foreign Debts 3% Dollar Bonds, Fractional Certificates, of the face values and numbered as follows:

Face value:	Number
\$20.00	082369
\$20.00	062370
\$10.00	028226

which fractional certificates are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft-Account -2- Berlin-Germany, together with any and all rights thereunder and thereto,

f. Two (2) Denver & Rio Grande Western Railroad Company General Mortgage 5% Gold Bonds Scrip Certificates, of the face values and numbered as follows:

Face value:	Number
\$50.00	L509
\$12.50	X127

which scrip certificates are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number



F86129, entitled Commerzbank Aktiengesellschaft-Account-2-Berlin-Germany, together with any and all rights thereunder and thereto,

g. Four (4) Konversionskasse RM Fractional Certificates, of the face values and numbered as follows:

Face value:	Number
5 RM.....	0899819
50 RM.....	0430852
50 RM.....	0430853
50 RM.....	0430861

which fractional certificates are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank-Aktiengesellschaft - Account - 2 - Berlin-Germany, together with any and all rights thereunder and thereto,

h. One (1) 165 Broadway Building Income Debenture Fractional Certificate, of \$360.00 face value, bearing the number 5409, which fractional certificate is presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft-Account-2-Berlin-Germany, together with any and all rights thereunder and thereto,

i. Ten (10) certificates of deposit for Seaboard Airlines Railway Company, 1st Series 6% Gold Bonds, in bearer form, of the face values and numbered as follows:

Face value:	Number
\$1,000.00.....	M18874
\$1,000.00.....	M18875
\$1,000.00.....	M18876
\$1,000.00.....	M18877
\$1,000.00.....	M18878
\$1,000.00.....	M18879
\$1,000.00.....	M18880
\$1,000.00.....	M18881
\$1,000.00.....	M18882
\$1,000.00.....	M18883

which certificates of deposit are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft-Account-2-Berlin-Germany, together with any and all rights thereunder and thereto,

j. One (1) United States of Mexico Class B Arrears Receipt, of \$2,700.00 face value, in bearer form, bearing the number 1149, which arrears receipt is presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft-Account-2-Berlin-Germany, together with any and all rights thereunder and thereto,

k. Three (3) United States of Mexico Class A Arrears Receipts, in bearer form,

of the face values and numbered as follows:

Face value:	Number
\$1,125.00.....	4246
\$121.50.....	3252
\$225.00.....	218284

which arrears receipts are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86129, entitled Commerzbank Aktiengesellschaft-Account - 2 - Berlin-Germany, together with any and all rights thereunder and thereto,

l. Twelve and one half (12.50) no par value common stock warrants of the Erie Railroad Company, 101 Prospect Avenue, Cleveland, Ohio, a corporation organized under the laws of the State of New York, evidenced by warrant number W-10250, issued to Bearer, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

m. Three (3) American Trustee Certificates for three (3) shares of Metals Coating Co. \$100 par value common stock, evidenced by certificates numbered 97, 98 and 99, for one (1) share each, registered in the name of Heinrich Freudenthal, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, and any and all rights thereunder and thereto,

n. One (1) certificate of deposit for 90 shares of National Bellas Hess Company no par value common stock, evidenced by certificate number 4167, registered in the name of Walo & Co., presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, and any and all rights thereunder and thereto,

o. Four (4) no par value common stock warrants of the General Investment Corporation, 941 North Meridian St., Indianapolis, Indiana, a corporation organized under the laws of the State of Delaware, evidenced by warrant number NCW 2651, issued to bearer, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

p. Twenty (20) receipts for coupons of Mexican Government Bonds, Series 24, numbered D381 to D400, both inclusive, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

#### EXHIBIT A

Description of Issue	Face value	Certificate Nos.
Conversion Office for German Foreign Debts 3% Dollar Bonds.	4 @ \$100.00....	C084902 C084903 C084904 C084905
Denver & Rio Grande Western Railroad Company General Mortgage Sinking Fund 5% Gold Bonds.	3 @ \$100.00....	C4432 C4433 C4434
German Central Bank for Agriculture Secured 2nd Sinking Fund 6% Gold Bonds.	3 @ \$1,000.00....	M15544 M15545 16410
German Government External Loan of 1924 7% Gold Bond.	1 @ \$1,000.00....	C086527
National Railways of Mexico 3 year 6% Secured Notes.	1 @ \$45.00..... 5 @ \$45.00.....	N28912 N24574 N33089 N33090 N33216 N33217
165 Broadway Building Certificate Secured Bonds.	6 @ \$1,000.00....	M8441 M8442 M8443 M8444 M8445 M8446 18240
City of Rio de Janeiro Brazil External Sinking Fund 6 1/2% Gold Bonds.	1 @ \$1,000.00....	
Saxon Public Works, Inc. General and Refunding Mortgage 6 1/2% Gold Bonds.	2 @ \$1,000.00....	M10740 M10741

#### EXHIBIT B

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
American Bemberg Corp., 261 5th Ave., New York, N. Y.	Delaware.....	Common.....	(1)	7118.....	26	Lee & Co.
The Atchison, Topeka & Santa Fe Railway Co., 920 Jackson St., Topeka, Kans.	Kansas.....	5 percent noncumulative preferred.	\$100	A36800..... A35985.....	2 1	Ernst Groedel. David Groedel.
B C Sugar Refinery, Ltd.		Capital.	(1)	269..... 270.....	960 960	Kurt Gerbracht P/A. Hilde Scheibe P/A.
Central States Electric Corp., Richmond Trust Bldg., Richmond, Va.	Virginia.....	6 percent cumulative preferred.	100	NYC/SP06190....	10	Egger & Co.



## EXHIBIT B—Continued

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
Chicago & Eastern Illinois Ry. Co., 332 South Michigan Ave., Chicago, Ill.	Illinois	Common	\$100	8757	100	Egger & Co.
Chicago, Rock Island & Pacific Ry. Co., 139 Van Buren St., Chicago, Ill.	Illinois, Iowa	do	100	8758	100	Do.
Do	do	do	100	114789	10	Lee & Co.
Crown Reserve Consolidated Mines, Ltd.	do	7 percent preferred	100	55444	4	Do.
Do	do	8 percent cumulative preferred	1	236	10	Eugene Heinz.
Delaware Valley Utilities Co., 100 W. 10th St., Wilmington, Del.	Delaware	Capital	(1)	7174	567	Do.
Denver & Rio Grande Western RR. Co., Rio Grande Bldg., Denver 2, Colo.	do	Common	(1)	C2339	5	William P. Hartwig P/A
Erie Railroad Co., 101 Prospect Ave., Cleveland, Ohio.	New York	6 percent cumulative preferred	100	PF14573	2	Lee & Co.
Fourteenth Ward Building & Loan Association	do	Common	(1)	CO18901	2	Egger & Co.
General Aniline & Film Corp., 230 Park Ave., New York, N. Y.	Delaware	4½ percent	200	PU9275A	5	Each in name of William Hartwig and Elizabeth Hartwig P/A
General Gas & Electric Corp., 61 Broadway, New York, N. Y.	do	Common A	(1)	PU9276A	5	Do.
General Investment Corp., 941 North Meridian St., Indianapolis, Ind.	do	do	(1)	PU9277A	5	Do.
International Telephone & Telegraph Corp., 67 Broad St., New York, N. Y.	do	Common	1	AO722	1	Lee & Co.
Missouri Pacific RR. Co., Missouri Pacific Bldg., St. Louis, Mo.	Maryland	Capital	(1)	GOS5209	3	Do.
Mountain States Telephone & Telegraph Co., 931 14th St., Denver, Colo.	do	Common	1	NCO 15064	43	Do.
New York Central R. R. Co., 230 Park Ave., New York 17, N. Y.	Missouri	5 percent cumulative preferred	100	NNA51965	5	William P. Hartwig P/A.
New York, Chicago & St. Louis R. R. Co., Terminal Tower, Cleveland, Ohio.	Colorado	Common	100	NNA51964	7	Do.
New York Title & Mortgage Co., 160 Broadway, New York, N. Y.	New York	Capital	(1)	NNA51963	48	Do.
Do	do	do	10	O76142	5	Lee & Co.
North American Rayon Corp., 261 Fifth Ave., New York 16, N. Y.	Ohio	6 percent Cumulative preferred A	100	H32913	3	Friederich Wilhelm Spahn P/A.
Omega Gold Mines, Ltd., Larder Lake, Ontario.	New York	Capital	(1)	L135905	60	Mrs. Lotte Goldschmidt-Schulhof.
165 Broadway Building Inc., 165 Broadway, New York, N. Y.	Ohio	6 percent Cumulative preferred A	100	P038410	8	Lina Rothe as ancillary guardian of Hanna Rothe, an infant.
The Pennroad Corp., Delaware Trust Bldg., Wilmington, Del.	New York	Capital	1	O150	20	Lee & Co.
Pennsylvania R. R. Co., Broad Street Station Bldg., Philadelphia, Pa.	do	do	10	X8783	20	Do.
Radio Corporation of America, R. C. A. Building, 30 Rockefeller Plaza, New York 20, N. Y.	Delaware	Common	(1)	B0307	55	Egger & Co.
Socony-Vacuum Oil Co., Inc., 26 Broadway, New York 4, N. Y.	Ontario	Capital	1	5719	21	Speyer & Co.
Southern Pacific Co., 65 Market St., San Francisco, Calif.	New York	Common	1	5445	6	Egger & Co.
Tide Water Associated Oil Co., 17 Battery Pl., New York 4, N. Y.	Delaware	do	10	W110605	14	William Hartwig.
United States Steel Corp., 51 Newark St., Hoboken, N. J.	Pennsylvania	Capital	50	485486	4	Emil Schulz.
Do	Delaware	Common; foreign shares	(1)	FRC8208	20	Egger & Co.
Watauga Development	do	do	15	FRC27901	55	Do.
F. W. Woolworth Co., Woolworth Bldg., New York, N. Y.	New York	Capital	15	NYB175691	100	Do.
Baltimore & Ohio R. Co., B & O Building, Baltimore, Md.	Kentucky	Common	100	F455689	1	John F. Rush.
	do	do	10	F478554	6	Lotte Goldschmidt Schulhof.
	do	do	10	F418536	43	Helene Weintraud P/A.
	do	do	10	NC13654	100	William Hartwig.
	Delaware	do	10	J658445	17	Leopold Levin.
	New Jersey	do	100	P85230	20	Mrs. Rose Von Sobbe—nee Horwath.
	do	do	(1)	345	10	Squire & Co.
	Capital	do	100	346	10	Do.
	New York	do	10	WTF 464291	20	Egger & Co.
	do	do	10	WTF 350662	10	Do.
	Maryland	Common	100	A515542	1	Lee & Co.
	do	do	10	A528671	21	Do.
	do	do	10	D202803	10	Johanne Witte P/A.
	do	do	10	D185585	10	Arno Lincke P/A.
	do	do	10	A339019	4	Do.
	do	do	10	A275594	5	Do.
	do	do	10	D202802	10	Anna Witte—nee Hecker P/A.
	do	do	10	D196534	10	Gustav Kunze, Jr. GMBH P/A.
	do	do	10	A307161	5	Edmund Schaffner P/A.
	do	do	10	A307162	5	Edmund Schaffner and Anna Schaffner P/A.
	do	do	10	A346543	5	Dr. Katharina Scheele.
General Gas & Electric Corp., 61 Broadway, New York, N. Y.	Delaware	Common A	(1)	27889	75/100	Squire & Co.
	do	do	100	58448	439/100	Do.

1 No par.

## EXHIBIT C

Description of bond issue	Bond Nos.	Rate	Face value of coupons	Description of bond issue	Bond Nos.	Rate	Face value of coupons
Benenson Building Corp.	M2640 M2641 M2642 M2643 M2644 M2645	Percent 5½	6 @ \$27.50	Conversion Office for German Foreign Debts.	C084904 C084905 C084902 C084903 C084904 C084905	Percent 3	4 @ \$1.50
Dominion Canada	E73697 E73698	5	2 @ \$25.00	City of Rio De Janeiro	M18240 M18240 M18240 M18240 M18240 M18240 M18240 M18240 M18240 M18240	6½	11 @ \$32.50
Do	E73697 E73698	5	2 @ \$25.00	Do	Do	6½	1 @ \$32.50
Do	E73697 E73698	5	2 @ \$25.00	Do	Do	6½	1 @ \$32.50
Do	E73697 E73698	5	2 @ \$25.00	Do	Do	6½	1 @ \$32.50
Conversion Office for German Foreign Debts	C084902 C084903	3	4 @ \$1.50	Do	Do	6½	1 @ \$32.50
				Do	Do	6½	1 @ \$32.50



[Vesting Order 10844]

RUTH O. PAMPEL

In re: Stock owned by Ruth O. Pampel. F-28-22869-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruth O. Pampel, whose last known address is Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) share of \$25.00 par value \$4.50 cumulative preferred capital stock of Remington Rand Incorporated, 465 Washington Street, Buffalo 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered P010569, registered in the name of Ruth O. Pampel, together with all declared and unpaid dividends thereon, including particularly but not limited to all those dividend checks presently in the custody of The Marine Midland Trust Company of New York, 120 Broadway, New York 15, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2973; Filed, Apr. 2, 1948;  
8:54 a. m.]

[Vesting Order 10886]

KADORI NARUSE AND MATAE OHNO

In re: Debts owing to Kadori Naruse and Matae Ohno. F-39-3188-C-1, F-39-5597-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kadori Naruse and Matae Ohno, each of whose last known address is Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kadori Naruse by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the amount of \$166.01, as of July 18, 1941, evidenced by check number 22674 dated July 18, 1941 in the sum of \$166.01 drawn by The Yokohama Specie Bank, Ltd., New York, New York, on Guaranty Trust Company, New York, New York, in favor of Kadori Naruse, presently in the custody of the aforesaid Superintendent of Banks of the State of New York, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same and together with any and all rights in, to and under the aforesaid check,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kadori Naruse, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Matae Ohno by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the amount of \$431.01, as of July 3, 1941, evidenced by check number 22066 dated July 3, 1941 in the sum of \$437.01 drawn by The Yokohama Specie Bank, Ltd., New York, New York, on Guaranty Trust Company, New York, New York, in favor of Matae Ohno, presently in the custody of the aforesaid Superintendent of Banks of the State of New York, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same and together with any and all rights in, to and under the aforesaid check,

is property within the United States owned or controlled by, payable or

deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Matae Ohno, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2927; Filed, Apr. 1, 1948;  
8:48 a. m.]

[Vesting Order 10887]

HANS NEUMANN ET AL.

In re: Debts owing to Hans Neumann, Albert Hirsch, Jack Sailer, Otto Rietz and Wilhelmine Rietz. F-28-28576-E-1, F-28-28296-C-1, F-28-28540-C-1 and F-28-28595-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Neumann, Albert Hirsch, Jack Sailer, Otto Rietz and Wilhelmine Rietz, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations evidenced by those checks drawn on, dated, payable to, and in the amounts as set forth below:

Drawer	Payee	Date	Amount of check
Comptroller of the Currency	Hans Neumann	Nov. 1, 1940	\$151.02
Do.	do.	Dec. 7, 1942	39.98
Do.	Albert Hirsch	May 18, 1938	280.24
Do.	do.	Apr. 4, 1938	116.09
Do.	do.	July 8, 1940	55.38
Do.	Jack Sailer	Dec. 14, 1939	414.45
Do.	do.	Sept. 3, 1941	231.57
Do.	Otto Rietz or Wilhelmine Rietz	Nov. 1, 1940	283.85
Do.	do.	Dec. 7, 1942	75.16

said checks representing liquidating dividends from Insolvent National Banks, presently in the custody of the Supervising Receiver, Division of Insolvent National Banks, Treasury Department,

Washington 25, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid checks,



and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2974; Filed, Apr. 2, 1948;  
8:54 a. m.]

[Vesting Order 10896]

LOUIS A. SIEVERS

In re: Estate of Louis A. Sievers, deceased. File No. D-28-8336; E. T. sec. 10857.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Sievers, Jr., Mina Fricke, Ricke Bode, Maria Sickman and Emily (Emilie) Sievers, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of \$7,658.18 was paid to the Attorney General of the United States by Louis C. Dismer, ancillary executor of the estate of Louis A. Sievers, deceased;

3. That the said sum of \$7,658.18 was accepted by the Attorney General of the United States on December 23, 1947, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of \$7,658.18 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evi-

dence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2975; Filed, Apr. 2, 1948;  
8:54 a. m.]

[Vesting Order 10903]

JIICHI INOUE

In re: Stock owned by Jiichi Inouye, also known as J. Inouye. F-39-3361.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jiichi Inouye, also known as J. Inouye, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) share of \$25.00 par value capital stock of Little Theatre Building Company, Dallas, Texas, evidenced by a certificate numbered 137, registered in the name of J. Inouye and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

b. Five (5) shares of \$100.00 par value capital stock of Cotton Realty Company, Dallas, Texas, evidenced by certificates numbered 65 and 118 for two and one-half (2½) shares each, registered in the name of J. Inouye, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2976; Filed, Apr. 2, 1948;  
8:54 a. m.]

[Vesting Order 10923]

MINNA ALBINE HAUER ET AL.

In re: Bank account owned by Minna Albine Hauer, also known as Minna Albine Beyer Hauer and others. F-28-25343-C-1; B-1, F-28-25769-C-1; B-1, F-28-23645-C-1; B-1, F-28-25987-C-1; B-1, F-28-23743-C-1; B-1, F-28-26334-C-1; B-1, F-28-23740-C-1; B-1 and F-28-24014-C-1; B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth below:

Names and Addresses

Minna Albine Hauer, also known as Minna Albine Beyer Hauer; Schockwitz bei Halle a. d. Salle, Germany.  
Herman Max Hilpert; Aylsdorf near Zeitz, Hauptstr 56, Germany.  
Herman Edwin Beyer; Ballenstedt, a. h. Steige 19, Germany.  
Klara Caecilia Schwanz; Henkenwalde 7, Kreis Zeitz, Germany.  
Otto Kurt Berg, Magdesburg, Germany.  
Emma Todtenhof nee Berg; Guetter near Burg, Germany.  
Karl Berg; Hamburg, Germany.  
Ida Otto, also known as Ida Berg; Burg b/M, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obliga-



tion of The Trust Company of New Jersey, 35 Journal Square, Jersey City (6), New Jersey, arising out of a Savings Account, account number 65716, entitled Carlos A. Hepp, Attorney-in-Fact for the next of kin of Louise Steil, deceased, as nationals and residents of Germany, maintained at the Union City Branch Office of the aforesaid company located at 3201 Bergenline Avenue, Union City, New Jersey, and any and all rights to demand, enforce and collect the same, subject to the claims of Carlos A. Hepp, 223 Glenwood Road, Englewood, New Jersey, for fees for services rendered pursuant to an agreement dated July 13, 1931,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Minna Albine Hauer, also known as Minna Albine Beyer Hauer, Herman Max Hilpert, Herman Edwin Beyer, Klara Caecilla Schwanz, Otto Kurt Berg, Emma Todtenhof nee Berg, Karl Berg, Ida Otto, also known as Ida Berg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2977; Filed, Apr. 2, 1948;  
8:54 a. m.]

[Vesting Order 10925]

MUTSUO HIROTO ET AL.

In re: Debts owing to Mutsuo Hirota and others. D-39-1459.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known addresses are Japan, are resi-

dents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: These certain debts or other obligations owing to the persons named in Exhibit A, by Mutual Credit Society, c/o Mr. Fred J. Fujioka, 3644 East Third Street, Los Angeles 33, California, in the amounts appearing opposite the names of the persons named in Exhibit A, as of October 22, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

#### EXHIBIT A

Name:	Amount of Debt 2
Mutsuo Hirota.....	\$640.00
Kazuichi Kanno.....	400.00
Ryotaro Kaneko.....	400.00
Dr. Toworu Ozasa.....	40.00
Jenpei Oka.....	22.40
Mrs. Kaneko Ono.....	31.20
Kosaburo Ogata.....	83.20
Toshiaki Oku.....	48.00
Mrs. Hatsue Sunagawa.....	93.20
Masao Shimizu.....	41.60
Teihiro Watanabe.....	16.00
Mrs. Tayeko Yamashita.....	10.80
Fujiso Yano.....	145.60

[F. R. Doc. 48-2978; Filed, Apr. 2, 1948;  
8:54 a. m.]

[Vesting Order 10929]

VERLAG CHEMIE, G. M. B. H.

In re: Debt owing to Verlag Chemie, G. m. b. H. F-28-24075-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Verlag Chemie, G. m. b. H., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Verlag Chemie, G. m. b. H., by E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, in the amount of \$1,661.22, as of August 15, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2979; Filed, Apr. 2, 1948;  
8:55 a. m.]

[Vesting Order 10930]

GRETE WESTERMANN

In re: Bank accounts owned by Grete Westermann, also known as Grete Woelfel Westermann. D-28-12124-C-1 and D-28-12124-E-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Execu-



tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. Grete Westermann, also known as Grete Woelfel Westermann, whose last known address is 13a Auerbach, Oberpfalz, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Hoboken Bank for Savings, Washington Street Corner First Street, Hoboken, New Jersey, arising out of a savings account, account number 207478, entitled Grete Westermann, Trustee for Rose Marie Westermann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Grete Westermann, also known as Grete Woelfel Westermann, by Hoboken Bank for Savings, Washington Street Corner First Street, Hoboken, New Jersey, arising out of a savings account, account number 193920, entitled Grete Westermann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Grete Westermann, also known as Grete Woelfel Westermann, by The First National Bank of Jersey City, Jersey City, New Jersey, arising out of a savings account, account number 42968, entitled Grete Woelfel Westermann, maintained at the branch office of the aforesaid bank located at 47 Newark Street, Hoboken, New Jersey, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Grete Westermann, also known as Grete Woelfel Westermann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2980; Filed, Apr. 2, 1948;  
8:55 a. m.]

[Vesting Order 10932]

WAICHI AND KAZUMA MAEDA

In re: Interest in real property, and a property insurance policy owned by Waichi Maeda, also known as W. Maeda, and a bank account owned by Waichi Maeda, also known as W. Maeda, and Kazuma Maeda.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waichi Maeda, also known as W. Maeda, and Kazuma Maeda, whose last known addresses are 3 Chome, Sini-chichi, Yanai City, Yamaguchi-Ken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-fourth (1/4) interest in real property situated at Kapalama, Honolulu, City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and,

b. All right, title and interest of Waichi Maeda, also known as W. Maeda, in and to fire insurance policy No. 30856, issued by Fidelity & Guaranty Fire Corporation, Baltimore, Maryland, insuring the property described in subparagraph 2-a hereof, together with any and all extensions or renewals thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Waichi Maeda, also known as W. Maeda, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Waichi Maeda, also known as W. Maeda, and Kazuma Maeda by Bishop National Bank of Hawaii, Honolulu, Territory of Hawaii, arising out of a savings account, Account No. 11074, entitled Waichi Maeda and/or Kazuma Maeda, by Eiichi Oda, attorney in fact, maintained at the King-Smith Street Branch of the aforesaid bank, located at 72 North King Street, Honolulu, Territory of Hawaii, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliv-

erable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Waichi Maeda, also known as W. Maeda and Kazuma Maeda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 3 hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

EXHIBIT A

All of those certain parcels of land (portions of the land described in and covered by Royal Patent Number 7834, Land Commission Award Number 7714-B, Apana 7 to Moses Kekualwa) situate, lying and being at Kapalama, Honolulu, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:

Lot A. Commencing at the South corner of this piece of land, being also the new North corner of King Street and Mao Lane, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being 5167.91 feet North and 7007.78 feet West, and running by true azimuths:

1. 145°40' 78.27 feet along the new North-east side of King Street;  
2. 240°35' 37.00 feet long Lot 1 of the Long Tract;

3. 325°40' 78.90 feet along the remainder of L. C. A. 7714, Apana 7 to M. Kekualwa to the Northwest side of Mao Lane;

4. 61°38' 37.12 feet along the Northwest side of Mao Lane to the point of beginning.

Containing an Area of 2,902 Square Feet, or thereabouts.

Lot B. Commencing at a stake on the Southeast boundary of C. A. Long Tract, the true azimuth and distance to the South corner of the C. A. Long Tract, being 60°35' 50.30 feet, and the co-ordinates of said corner referred to Government Survey Triangulation Station "Punchbowl", being



5226.0 feet North and 7063.0 feet West, and running by true azimuths as follows:

1. 240°35' 42.00 feet along the C. A. Long Tract;
2. 331°07' 79.30 feet along fence to a 14-foot Roadway;
3. 61°38' 34.50 feet along said 14-foot roadway;
4. 145°40' 78.90 feet along fence to the initial point.

Containing an Area of 3,019 Square Feet, or thereabouts.

[F. R. Doc. 48-2981; Filed, Apr. 2, 1948; 8:55 a. m.]

[Vesting Order 10351, Amdt.]

**AGRIPPINA ALLGEMEINE VERSICHERUNGS  
A. G. ET AL.**

In re: Debts owing to Agrippina Allgemeine Versicherungs Aktiengesellschaft and others. F-28-24579-C-1, F-28-8190-C-1 and F-28-8571-C-1.

Vesting Order 10351, dated December 15, 1947, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agrippina Allgemeine Versicherungs Aktiengesellschaft, the last known address of which is Koln am Rhein, Germany, Hamburger Allgemeine Versicherungs Aktiengesellschaft, the last known address of which is Neue Gröningerstrasse 28, Hamburg, Germany and Iduna-Germania Allgemeine Versicherungs Aktiengesellschaft, the last address of which is Charlottenstrasse 13, Berlin, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain claim of Agrippina Allgemeine Versicherungs Aktiengesellschaft against Robert E. Dineen, Superintendent of Insurance of the State of New York, as Liquidator of the Lloyds Insurance Company of America, 160 Broadway, New York 7, New York, represented by claim numbered 56-RI 196, together with any and all rights thereunder and thereto, including the right to receive any dividends due or to become due on the aforesaid claim,

b. That certain claim of Hamburger Allgemeine Versicherungs Aktiengesellschaft against Robert E. Dineen, Superintendent of Insurance of the State of New York, as Liquidator of the Lloyds Insurance Company of America, 160 Broadway, New York 7, New York, represented by claim numbered 56-RI 75, together with any and all rights thereunder and thereto, including the right to receive any dividends due or to become due on the aforesaid claim,

c. That certain claim of Iduna-Germania Allgemeine Versicherungs Aktiengesellschaft against Robert E. Dineen, Superintendent of Insurance of the

State of New York, as Liquidator of the Lloyds Insurance Company of America, 160 Broadway, New York 7, New York, represented by claim numbered 56-RI 77, together with any and all rights thereunder and thereto, including the right to receive any dividends due or to become due on the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

Claimant and claim No.	Notice of intention to return published	Property
Peter Olsen, Aakirkeby, Bornholm, Denmark, Claim No. 5181.	Jan. 30, 1948 (13 F. R. 429).	The sum of \$374.03 in the Treasury of the United States.
Mary Olsen, also known as Marie Olsen Aakirkeby, Bornholm, Denmark, Claim No. 5182.	-----	Do.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 30, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2985; Filed, Apr. 2, 1948; 8:55 a. m.]

**LEONELLO BIAGIOTTI**

**NOTICE OF INTENTION TO RETURN VESTED PROPERTY**

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant; Claim No. and Property and Location.

Leonello Biagiotti, Richmond, Virginia, 6434; \$6,525.66 in the Treasury of the United States.

Executed at Washington, D. C., on March 30, 1948.

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2983; Filed, Apr. 2, 1948; 8:55 a. m.]

[Return Order 102]

**PETER AND MARY OLSEN**

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2986; Filed, Apr. 2, 1948; 8:56 a. m.]

[Return Order 65, Amdt.]

**CAROLYN KENT DI ROEILANT**

Return Order No. 65, dated December 12, 1947, published in the FEDERAL REGISTER on December 18, 1947 (12 F. R. 8451), is hereby amended as follows and not otherwise: By adding thereto, under "Property", the following security registered in the name of the Attorney General, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York:

21. Certificate No. 2391 - for additional amount, if any, due in respect to 10 shares of Electric Bond and Share Company \$5 preferred stock.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-2984; Filed, Apr. 2, 1948; 8:55 a. m.]

<sup>1</sup> Filed as part of the original document.